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Text Amendment Application No. 205
Boston Redevelopment Authority
Dorchester Avenue Neighborhood
District

TEXT AMENDMENT NO. 175* ** EFFECTIVE
MARCH 19, 1992

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning Code as follows:

By inserting, after Article 51, the following article:

ARTICLE 52

DORCHESTER AVENUE NEIGHBORHOOD DISTRICT

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* See also Text Amendment No. 169: Article 2A/Neighborhood District Definitions.

** Date of public notice: February 1, 1992 (see St. 1956, c. 665, s. 5).

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SECTION 52-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish zoning regulations to implement the land use objectives for the Dorchester Avenue Neighborhood District as set forth in the Dorchester Avenue Interim Planning Overlay District, Article 27H of this Code. The goals and objectives of this Article and the Dorchester Avenue Urban Design Study are to protect and promote Dorchester Avenue as a gateway to the residential community and a vibrant mixed-use commercial center; to provide for the development of Dorchester Avenue in accordance with appropriate urban design and development controls and guidelines; to insure the compatibility of new buildings in terms of siting, scaling, massing, and architectural design, with existing neighborhood buildings; to promote the viable neighborhood economy, and provide for new economies and expansion of job opportunities; to enhance the appearance of residential, commercial, and industrial areas; to improve the quality of signage; to maintain and expand the stock of affordable housing; to preserve, enhance and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of Dorchester residents and of the people of Boston.

SECTION 52-2. Recognition of the Dorchester Avenue Design Guidelines. This Article is an integral part of this Code and is one of the means of implementing the land use objectives set forth in Article 27H, the Dorchester Avenue Interim Planning Overlay District. Section 27H-7 of this Code sets forth, as one of the principal purposes of the revised zoning for Dorchester Avenue, the development of design guidelines, including sign regulations, to enhance the aesthetic character and economic viability of the area making up the Dorchester Avenue Neighborhood District. Pursuant to Section 27H-14 of this Code, and to Section 70 of Chapter 41 of the Massachusetts General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952, the Boston Redevelopment Authority developed such guidelines, which are set forth in a publication of the Boston Redevelopment Authority entitled "Design Guidelines for Dorchester Avenue: A Citizens' Handbook" (hereafter "Design Guidelines for Dorchester Avenue"). The Commission hereby recognizes the Design Guidelines for Dorchester Avenue as the planning basis for the design guidelines and regulations, including guidelines and regulations for signage, for the Dorchester Avenue Neighborhood District.

SECTION 52-3. Physical Boundaries. The provisions of this Article are applicable only in the Dorchester Avenue Neighborhood District. The boundaries of the Dorchester Avenue Neighborhood District and its subdistricts are as shown on Maps 5C and 5D, entitled "Dorchester Avenue Neighborhood District" (supplemental to 'Map 5 North Dorchester') and Map 8C, entitled "Dorchester Avenue Neighborhood District (supplemental to 'Map 8 South Dorchester')," all of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 52-4. Applicability. This Article together with the rest of this Code constitute the zoning regulation for the Dorchester Avenue Neighborhood District and apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27H to the Dorchester Avenue Neighborhood District is rescinded, and the Dorchester Avenue Interim Planning Overlay District is extinguished on the effective date of this Article, except as provided below. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the Dorchester Avenue Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

SECTION 52-5. Prohibition of Planned Development Areas. Within the Dorchester Avenue Neighborhood District, Planned Development Area designations may be permitted.

SECTION 52-6. Community Participation. This Article has been developed with the extensive participation of the Dorchester Avenue Planning and Zoning Advisory Committee, civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that process, the Boston Redevelopment Authority shall continue to involve the Dorchester Avenue Planning and Zoning Advisory Committee or its successor organization, if any, and the Dorchester Avenue civic associations, residents, and business and trade groups in an ongoing role in advising the City on land use planning for Dorchester Avenue.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 52-7. Establishment of Residential Subdistricts. This Section 52-7 establishes Residential Subdistricts within the Dorchester Avenue Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development which enhances the Residential Subdistricts while preventing overdevelopment. These Residential Subdistricts are designated as follows:

1. One-Family Residential ("1F") Subdistricts. The One-Family Residential ("1F") Subdistricts are established to preserve, maintain, and promote low-density one-family neighborhoods, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 1F Subdistrict, the maximum number of Dwelling Units allowed in a single Building shall be one (1).
2. Two-Family Residential ("2F") Subdistricts. The Two-Family Residential ("2F") Subdistricts are established to preserve, maintain, and promote two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 2F Subdistrict, the maximum number of Dwelling Units allowed in a single Building shall be two (2).
3. Three-Family Residential Subdistricts. Two types of Three-Family Residential Subdistricts, the Three-Family General Residential ("3F-G") Subdistricts, and the Triple-Decker Residential ("3F-D") Subdistricts, are established to preserve low-density three-family areas with a variety of housing types appropriate to the existing fabric, including one-, two-, and three-family dwellings, and to allow minor changes to occur as of right. In the 3F-G and 3F-D Subdistricts, the maximum number of Dwelling Units allowed in a single Building shall be three (3), and the maximum number of Town House Buildings or Row House Buildings attached in a row shall be three (3).

The Three-Family General Residential ("3F-G") Subdistricts are established in areas characterized by a variety of one-, two-, and three-family housing types, and the dimensional requirements for lots and structures in the 3F-G Subdistricts, as set forth in Table D of this Article, are designed to accommodate and encourage the construction of such a variety of housing types as of right in these subdistricts.

The Triple-Decker Residential ("3F-D") Subdistricts are established in areas where triple-decker housing remains the predominant housing type, and the dimensional requirements for lots and structures in the 3F-D Subdistricts, as set forth in Table D, are designed to accommodate and encourage the construction of triple-decker residential buildings as of right in these subdistricts.

4. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage medium density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.
5. Multifamily Residential/Local Services ("MFR/LS") Subdistricts. The Multifamily Residential/Local Services ("MFR/LS") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including, one-, two-, and three-family Dwellings, Row Houses, Town Houses, Multifamily Dwellings, and ground floor Retail and Service Uses.

SECTION 52-8. Use Regulations Applicable in Residential Subdistricts.

1. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.
2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in a Basement are forbidden in the Dorchester Avenue Neighborhood District.

SECTION 52-9. Dimensional Regulations Applicable in Residential Subdistricts.

1. Lot Area, Lot Width, Lot Frontage, Yard, Building Height, and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table C of this Article.

2. Allowed Additions in Required Yards. Within the One-Family Residential ("1F") Subdistricts, Two-Family Residential ("2F") Subdistricts, Three-Family General Residential ("3F-G") Subdistricts, and Triple-Decker Residential ("3F-D") Subdistricts, additions to existing Detached Dwellings or Main Buildings may extend into a required yard (except the Front Yard) when the existing Detached Dwelling or Main Building is already nonconforming with respect to that yard; provided that such nonconformity affects at least seventy percent (70%) of the total length of the wall facing such required yard. The extension of the line formed by the principal alignment of the nonconforming wall of the Detached Dwelling or Main Building shall be the limit to which the addition may be built. The addition may extend up to the applicable maximum Building Height and may include a basement addition. The Floor Area Ratio of the existing Detached Dwelling or Main Building together with the new addition shall not exceed the maximum allowed Floor Area Ratio specified for the subdistrict. The addition to the nonconforming wall or walls shall comply with the following requirements:
 - (a) Side Yard: When completed, the side wall of an addition to a nonconforming side wall is at all points at least five (5) feet from the Side Lot Line and ten (10) feet from an existing Detached Dwelling or Main Building on an abutting lot.
 - (b) Rear Yard: When completed, the rear wall of an addition to a nonconforming rear wall is at all points at least twenty (20) feet from the Rear Lot Line.
3. Lot Frontage. Within the One-Family Residential ("1F") Subdistricts, Two-Family Residential ("2F") Subdistricts, Three-Family General Residential ("3F-G") Subdistricts, and Triple-Decker Residential ("3F-D") Subdistricts, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table C of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width.
4. Location of Parking. Accessory off-street parking in the Residential Subdistricts shall not be located in any part of the Front Yards required by this Article, as set forth in Table C.
5. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line; provided that within a MFR/LS Subdistrict, for a Dwelling with a nonresidential use on the ground floor the entrance to a Residential Use above the ground floor may be on the side or rear elevation.

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 52-10. **Establishment of Neighborhood Business Subdistricts.**

This Section 52-10 establishes Neighborhood Business Subdistricts within the Dorchester Avenue Neighborhood District. There are three types of Neighborhood Business Subdistricts: Local Convenience ("LC") Subdistricts, providing convenience retail and services for the immediate neighborhood and pedestrians; Neighborhood Shopping ("NS") Subdistricts, providing convenience goods and services to the larger neighborhood; and Community Commercial ("CC") Subdistricts, providing a diversified commercial environment serving larger markets. All three types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses which provide essential goods and services as well as jobs and entrepreneurial opportunities for the Dorchester community.

Dorchester Avenue is one of the City's main boulevards. As such, it serves as a "front door" to the residential neighborhoods on either side. Since the physical character and visual image of Dorchester Avenue's commercial centers are critical to their success, appropriate signage, screening and buffering, and design guidelines and requirements, as provided in other sections of this Article, are vital to creating and reinforcing a positive image of the Neighborhood Business Subdistricts.

The following Neighborhood Business Subdistricts are established:

1. Pearl Street Local Convenience (LC) Subdistrict
2. Savin Hill Local Convenience (LC) Subdistrict
3. Adams Street Neighborhood Shopping (NS) Subdistrict
4. Melvinside Terrace Neighborhood Shopping (NS) Subdistrict
5. Glovers Corner Neighborhood Shopping (NS) Subdistrict
6. Lower Mills Neighborhood Shopping (NS) Subdistrict
7. Fields Corner Community Commercial (CC) Subdistrict

SECTION 52-11. Use Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

SECTION 52-12. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a

Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.

REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

SECTION 52-13. Establishment of Local Industrial Subdistricts. This Section 52-13 establishes Local Industrial ("LI") Subdistricts within the Dorchester Avenue Neighborhood District. The purpose of the Local Industrial Subdistricts is to encourage the expansion of light manufacturing and research and development uses in a manner which is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the Dorchester Avenue Neighborhood District.

Dorchester Avenue is one of the City's main boulevards. As such, it serves as the "front door" to the residential neighborhoods on either side. Since the physical character and visual image of Dorchester Avenue's commercial centers are critical to their success, appropriate signage, screening and buffering, and design guidelines and requirements, as provided in other sections of this Article, are vital to creating and reinforcing a positive image of the Local Industrial Subdistricts.

The following Local Industrial Subdistricts are established:

1. Von Hillern Street Local Industrial (LI) Subdistrict
2. Locust Street Local Industrial (LI) Subdistrict
3. Glovers Corner Local Industrial (LI) Subdistrict

SECTION 52-14. Use Regulations Applicable in Local Industrial Subdistricts. Within the Local Industrial Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Local Industrial Subdistricts.

SECTION 52-15. Dimensional Regulations Applicable in Local Industrial Subdistricts. The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Local Industrial Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.

SECTION 52-16. Performance Standards. The following effects shall not be allowed from any use within Local Industrial Subdistrict:

1. Any emission of any air, water, or other pollutants or of radiation or any release of toxic or biohazardous material in violation of federal, state, or local standards or regulations.

2. Any noise, air pollutant, vibration, dust, odor, change of temperature, or direct or sky-reflected glare which emanates more than fifty (50) feet beyond the boundaries of the Lot upon which a use is located (or more than twenty (20) feet if the abutting lot into which such emanation occurs is within a Residential Subdistrict), is detectable by the human senses without aid of instruments, and is of sufficient quantity or duration to cause annoyance or interference with normal activities.

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 52-17. Establishment of Open Space Subdistricts. This Section 52-17 designates Open Space Subdistricts in the Dorchester Avenue Neighborhood District. The purpose of the Open Space Subdistricts is to enhance the quality of life for Dorchester residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the provisions of this Article and the remainder of the Code, including without limitation, Article 33, Open Space Subdistricts. The Open Space Subdistricts designated in the Dorchester Avenue Neighborhood District are listed in Table 1 of this Section 52-17 and are of the following types:

1. Air-Right Open Space (OS-A) Subdistrict. Air-Right Open Space Subdistricts consist of land used as Transit Corridors owned by a Public Agency. Air-Right Open Space Subdistrict regulations, as established in Section 33-16, apply only to the development of spaces over such Transit Corridors.
2. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses, and are subject to provisions of Section 33-14.
3. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts are designated for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10.
4. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas; such land may include Vacant Public Land; and are subject to the provisions of Section 33-9 of the Code.

TABLE 1

**Open Space Subdistricts Designated in the
Dorchester Avenue Neighborhood District**

| <u>Type of Open Space Subdistrict</u> | <u>Name/Location</u> |
|---|---|
| Air Right | MBTA Tracks/Conrail Tracks Southeast Expressway MBTA Tracks at Ashmont Tunnel |
| Cemetery | Dorchester Cemetery |
| Recreation | Dorchester Park Robert Ryan Playground Town Field |
| Parkland | John W. McCormack Memorial Park Fields Corner Island Columbia Road Triangle |

REGULATIONS APPLICABLE IN NEIGHBORHOOD DESIGN OVERLAY DISTRICTS

SECTION 52-18. Establishment of Neighborhood Design Overlay Districts. This Section 52-18 establishes Neighborhood Design Overlay Districts as overlays to commercial and residential subdistricts within the Dorchester Avenue Neighborhood District.

The Neighborhood Design Overlay Districts are established to protect the historic character, existing scale, and quality of the pedestrian environment of these neighborhoods which give Dorchester Avenue its unique architectural character. Within the Neighborhood Design Overlay Districts, special design review requirements and design guidelines apply as set forth in Section 52-20. All use, dimensional, and other provisions applicable to the underlying subdistricts are applicable within the Neighborhood Design Overlay Districts. The following Neighborhood Design Overlay Districts are established:

1. Lower Mills Neighborhood Design Overlay District. Lower Mills is located at the southernmost end of Dorchester Avenue, with its center at Pierce Square, where Dorchester Avenue meets Washington Street and Adams Street. Lower Mills was one of the earliest centers of industry in the United States and today is characterized by distinctive commercial and industrial buildings, most notable of which is the Baker Chocolate Mills. Many such buildings date from the late nineteenth century and the early years of this century and retain the ornamental detailing of that era. The Neighborhood Design Overlay District covers the section of Lower Mills located along Dorchester Avenue between the northern side of Richmond Street and Pierce Square. In the 1970s and 1980s, many of the commercial properties in this section of Lower Mills were renovated, and extensive streetscape improvements, including brick sidewalks and acorn streetlamps, were added to enhance the historic character of the area.
2. Peabody Square Neighborhood Design Overlay District. Peabody Square is located in the Ashmont section of Dorchester and is created by the intersection of Dorchester and Talbot Avenues and Ashmont and Bushnell Streets. The square is marked by the presence of a street clock designed by architect William Downes Austin and erected in 1909. Peabody Square is a commercial area surrounded by several buildings of various vintages including an 1884 Queen Anne shingle-style building of architectural importance, a circa-1900 Jacobean-style apartment house, and an 1893 Romanesque-style fire station.

REGULATIONS GOVERNING DEVELOPMENT REVIEW AND DESIGN REVIEW

SECTION 52-19. **Applicability of Article 31 Development Review**

Requirements. In order to ensure that growth in the Dorchester Avenue Neighborhood District is compatible with the character of the buildings and landscape and that new development is of a quality that enhances the neighborhood visually and economically and is not damaging to environmental quality, the provisions of Article 31 (Development Review Requirements) apply to the following Proposed Projects.

1. **Large Projects.** Notwithstanding any provision of Section 31-4 to the contrary, the provisions of Article 31 (Development Review Requirements), other than Section 31-3, shall be applicable, except where otherwise specified in this Article, to any Proposed Project to: (a) erect a Building or Structure having a gross floor area of fifty thousand (50,000) or more square feet; or (b) enlarge a Building or Structure so as to increase its gross floor area by fifty thousand (50,000) or more square feet; or (c) establish or change the uses of a gross floor area of fifty thousand (50,000) or more square feet; or (d) establish or change to conditional or forbidden uses the uses of a gross floor area of fifty thousand (50,000) or more square feet. If the Proposed Project is a Proposed Institutional Project, the Boston Redevelopment Authority shall consider, in reviewing the impacts of such project, the Institution's plans for future development in the vicinity of such Project.
2. **Certain Institutional Projects.** If a Proposed Institutional Project not otherwise subject to the provisions of Article 31, pursuant to Section 52-19.1 or by election, involves the erection or extension of one or more Buildings that results in the addition of an aggregate gross floor area of twenty-five thousand (25,000) or more gross square feet, such Proposed Institutional Project shall comply with the Transportation Access Plan requirements of Section 31-6.
3. **Certain Projects for Residential Uses.** If a Proposed Project not otherwise subject to the provisions of Article 31, pursuant to Section 52-19.1 or by election, includes (i) the construction of fifteen (15) or more Dwelling Units, or (ii) the rehabilitation or alteration of Buildings or Structures so as to result in a net increase of fifteen (15) or more Dwelling Units, such Proposed Project shall comply with the Transportation Access Plan requirements of Section 31-6.

The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to the provisions of this Section 52-19 unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with the applicable provisions of Article 31 and this Section 52-19.

SECTION 52-20. **Design Review.**

1. Applicability of Design Review. The provisions of this Section 52-20 shall apply only to those Proposed Projects specified in this Section 52-20 that are not otherwise subject to Article 31 development review pursuant to Section 52-19.1 or by election.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority:

- (a) Projects Adding 25,000 Square Feet of Floor Area. Any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate gross floor area of twenty-five thousand (25,000) or more gross square feet;
- (b) Certain Projects Adding Dwelling Units. Any Proposed Project for the construction of fifteen (15) or more Dwelling Units (but not including rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more Dwelling Units);
- (c) Certain Projects in Local Industrial Subdistricts. Within the Local Industrial Subdistricts, any Proposed Project for the erection or extension of a Building with a gross floor area of five hundred (500) or more square feet, or for an exterior alteration affecting five hundred (500) or more square feet of a Building facade, if such new Building, extension, or facade alteration is visible from any public street or public open space;
- (d) Certain Projects in Neighborhood Business Subdistricts and Neighborhood Design Overlay Districts. Within the Neighborhood Business Subdistricts and Neighborhood Design Overlay Districts, any Proposed Project for the erection or extension of a Building with a gross floor area of three hundred (300) or more square feet, or for an exterior alteration affecting three hundred (300) or more square feet of a Building facade, if such new Building, extension, or facade alteration is visible from any public street or public open space;
- (e) Certain Exterior Alterations in Neighborhood Design Overlay Districts. Within the Neighborhood Design Overlay Districts, any exterior alteration changing the roof shape, cornice line, Street Wall height, or Building Height of an existing Building; and
- (f) Certain Signs. The erection, extension, or alteration of any internally lit sign not located inside a Building.

The provisions of this Section 52-20 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project that is subject to the provisions of this Section 52-20 unless the Director of the Boston Redevelopment Authority has certified that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

2. Procedure for Design Approval. Each application for a permit for a Proposed Project which is subject to design review by the Boston Redevelopment Authority pursuant to this Section 52-20 shall be filed in duplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copy to the Boston Redevelopment Authority. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the guidelines set forth in Section 52-20.3 or is not consistent with the guidelines set forth in Section 52-20.3; provided that if no such findings are transmitted to the Inspectional Services Department within thirty (30) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the guidelines set forth in Section 52-20.3 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 52-20 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.
3. Design Guidelines. The following design guidelines shall be considered by the Boston Redevelopment Authority in reviewing a Proposed Project that is subject to design review under this Section 52-20.
 - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
 - (b) Vehicular access and egress to a site should provide safe visual access for drivers and pedestrians.
 - (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings.

Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.

- (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic architectural feature should be held to a minimum.
- (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural character of historically distinctive commercial buildings in the surrounding area.
- (f) For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian activity. Accordingly, an adequate landscaped buffer should be located along the frontage between the sidewalk edge and the Street Wall. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged.
- (g) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (h) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (i) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setback from streets, spacing among buildings, and orientation of openings to the street and neighboring structures. In addition, the location of the buildings should respect significant landscape features on the site.
- (j) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.

- (k) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows, facing onto pedestrian areas, should be avoided to the extent practicable in building designs.
- (l) Storefronts and display windows should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.
- (m) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (n) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy.
- (o) A zone for signs on the building facade should be established, clearly defined by a change in facade color and/or materials or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.
- (p) Landscaping and screening should be used to make the Neighborhood Business and Local Industrial subdistricts more attractive and to provide screening between business, industrial, and residential uses.
- (q) In addition to the foregoing, design features of a Proposed Project should take into consideration any special characteristics of the site and its location and should enhance and reinforce any historic qualities of existing structures.

SECTION 52-21. **Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, the provisions of this Section 52-21 shall

apply to Proposed Projects within those subdistricts specified in this Section 52-21, except to the extent that provisions for Street Walls and display windows have been addressed through Article 31 development review or design review under Section 52-20. The provisions of Article 6A shall be applicable to the provisions of this Section 52-21.

1. Street Wall Continuity in Certain Subdistricts. This Section 52-21.1 shall apply within the Multifamily Residential/Local Services Subdistricts, the Neighborhood Business Subdistricts, and the Local Industrial Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.

- (a) Street Wall Continuity in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts. In the Multifamily Residential Local Services Subdistricts and the Neighborhood Business Subdistricts, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then, notwithstanding any contrary provision of Section 52-20, the Proposed Project shall be deemed to be subject to the design review provisions of Section 52-20 for the limited purpose of determining an appropriate Street Wall location.

- (b) Street Wall Continuity in Local Industrial Subdistricts. In the Local Industrial Subdistricts, each newly constructed or relocated Street Wall shall be built at a depth from the Street Line that is the greater of (i) the required depth of the vegetative buffer required by Section 52-22 (Screening and Buffering), or (ii) six (6) feet.

Except as otherwise provided in this Section 52-21.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

2. Display Window Area Regulations in Local Industrial, Neighborhood Business, and Multifamily Residential/Local Services Subdistricts. This Section 52-21.2 shall apply in the Neighborhood Business Subdistricts and Multifamily Residential/Local Services Subdistricts to any Proposed Project for the uses specified in this Section 52-21.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.

- (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 52-21.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.
- (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (iii) For Industrial Uses, and for Vehicular Uses involving the servicing or washing of vehicles, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no

such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use, as the case may be, conducted on the premises.

- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 52-21.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner.

SECTION 52-22. Screening and Buffering Requirements. In order to enhance the appearance of Dorchester Avenue's commercial and industrial subdistricts and to ensure that these subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 52-22 shall apply to those Proposed Projects described in this Section 52-22, except where provisions for adequate screening and buffering have been established for a Proposed Project through Article 31 development review, pursuant to Section 52-19.1 or by election. The provisions of Article 6A shall apply to the provisions of this Section 52-22.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts. Where any Lot line of a Proposed Project located in a Neighborhood Business Subdistrict abuts (a) a public park, or (b) a Residential Subdistrict, and where any Lot line of a Proposed Project located in a Local Industrial Subdistrict abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict, or (d) a Neighborhood Business Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, or subdistrict, a strip of shrubs and trees densely planted along the inside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the inside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line abutting a public street or public park, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict or Neighborhood Business Subdistrict, the height of the fence or wall shall be no less than four (4) feet

and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict, or (d), in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict shall be screened from view as provided in this Section 52-22.2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.

3. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict, or (d), in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict shall be screened from view as provided in this Section 52-22.3. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
4. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
5. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board-type wood. The use of chain link fencing without wooden strips is discouraged except on small areas not facing the Avenue. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination

with each other, and piers and walls may be used in combination with fences.

6. Specifications for Plantings. Shrubs required by this Section 52-22 may be of deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 52-22 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade), and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.
7. Maintenance of Landscaped Areas. Landscaping required by this Section 52-22 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 52-22.

MISCELLANEOUS PROVISIONS

SECTION 52-23. Additional Requirements in Neighborhood Business Subdistricts and Local Industrial Subdistricts. Any application for a permit for expansion of seating or standing capacity of any Restaurant with Live Entertainment operating after 10:30 p.m., Bar, or Bar with Live Entertainment, shall be conditional and subject to the provisions of Article 6 if such use is conditional, and forbidden if such use is forbidden.

SECTION 52-24. Sign Regulations. In the Dorchester Avenue Neighborhood District, there shall not be any Sign except as provided in Article 11, Section 52-20, and this Section 52-24. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply in the Multifamily/Local Services Subdistricts, the Neighborhood Business Subdistricts, and the Local Industrial Subdistricts:

1. Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.

2. Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign which incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour.
3. Free-standing Signs. Free-standing Signs shall be permitted only for (a) uses located in a Community Commercial Subdistrict, and (b) Gasoline Stations. Where such free-standing Signs are permitted, there shall be

only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of fifteen (15) square feet. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.

4. Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those in existence as of the effective date of this Article, is forbidden in the Dorchester Avenue Neighborhood District.
5. Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
6. Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, a canopy, or a marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

SECTION 52-25. Off-Street Parking and Loading Requirements. For any Proposed Project that is subject to or has elected to comply with the provisions of Article 31, required off-street parking spaces and off-street loading facilities shall be determined through development review in accordance with the provisions of Article 31. For all other Proposed Projects, the minimum required off-street parking spaces are set forth in Table E, and the minimum required off-street loading spaces are set forth in Table F.

1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.
2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.
3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number

of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.

4. Location.

- (a) Off-Street parking and loading spaces shall not be located in any part of the Front Yards or landscaped areas required by this Article.
- (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 52-25 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; and (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.
- (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.
- (d) The off-street parking spaces required by this Article for a Dwelling Unit should be used by the vehicles for which such parking spaces are required.

5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:

- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, shall be so designed as not to constitute a

nuisance or a hazard or unreasonable impediment to traffic, and shall be accessible to physically handicapped persons. All lighting shall be so arranged as to shine downward and away from streets and residences.

- (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
 - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 52-26. Application of Dimensional Requirements.

1. Exceptions to Minimum Lot Size Requirements. If the requirements of this Article with respect to Open Space and to Front, Rear, and Side Yards are met, the minimum Lot Size and minimum Lot Width requirements of this Article shall not prevent the construction, reconstruction, or alteration of a single family dwelling, two-family dwelling, or three-family dwelling on any Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this Article takes effect; provided that three-fourths (3/4) of the minimum Lot Size and minimum Lot Width requirements are met and that such use is an allowed use in the subdistrict. This exception shall apply regardless of whether a Lot meets the Lot Size and Lot Width requirements for a lesser number of Dwelling Units than is proposed.
2. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this

Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.

3. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.
4. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
5. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 52-26. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
6. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line which is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.
7. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one-half (1-1/2) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than five (5) feet wide. No Side Yard in

which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.

8. Accessory Buildings in Rear Yards. Accessory Buildings may be erected in a Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any side Lot line.
9. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
10. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
11. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.
12. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings and parapets of such Structure, shall not extend more than five (5) feet above Grade.
13. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards, shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from

the requirements of this Section 52-26.13 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 52-26.13 were met.

14. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings or Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 52-27. Nonconformity as to Dimensional Requirements. A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 52-28. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 52-29. Severability. The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 52-30. Definitions. Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 52-31. Tables. The following tables are hereby made part of this Article:

Tables A through F.

Dorchester Avenue Neighborhood District

Use Regulations in Residential Subdistricts

Key: A=Allowed, C=Conditional, F=Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F-G) | Triple Decker (3F-D) | Multifamily Residential (MFR) | Multifamily Residential/ Local Service (MFR/LS) |
|---|--------------------|--------------------|------------------------|----------------------------|-------------------------------------|--|
| <u>Banking and Postal Uses</u> | | | | | | |
| Automatic teller machine | F | F | F | F | F | C ¹ |
| Bank | F | F | F | F | F | F |
| Drive-in bank | F | F | F | F | F | F |
| Post office | F | F | F | F | F | C ¹ |
| <u>Community Uses</u> | | | | | | |
| Adult education center | F | F | F | F | F | F |
| Community center | F | F | F | F | F | C ¹ |
| Day care center | C | C | C | C | C ¹ | C ¹ |
| Day care center, elderly | C | C | C | C | C ¹ | C ¹ |
| Library | A | A | A | A | A | A |
| Place of worship; monastery; convent; parish house | A | A | A | A | A | A |
| <u>Cultural Uses</u> | | | | | | |
| Art gallery | F | F | F | F | F | C ¹ |
| Art use | F | F | F | F | F | F |
| Auditorium | F | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F-G) | Triple Decker (3F-D) | Multifamily Residential (MFR) | Multifamily Residential/ Local Service (MFR/LS) |
|--|--------------------|--------------------|------------------------|----------------------------|-------------------------------------|--|
| <u>Cultural Uses</u> | | | | | | |
| Cinema | F | F | F | F | F | F |
| Concert hall | F | F | F | F | F | F |
| Museum | F | F | F | F | F | F |
| Public art, display space | F | F | F | F | F | F |
| Studios, arts | F | F | F | F | F | C ¹ |
| Studios, production | F | F | F | F | F | C ¹ |
| Theatre | F | F | F | F | F | F |
| Ticket sales | F | F | F | F | F | C ¹ |
| <u>Dormitory and Fraternity Uses</u> | | | | | | |
| Dormitory not accessory to a use | F | F | F | F | F | F |
| Fraternity | F | F | F | F | F | F |
| <u>Educational Uses</u> | | | | | | |
| College or university | F | F | F | F | F | F |
| Elementary or secondary school ² | C | C | C | C | C | C |
| Kindergarten | C | C | C | C | C | C |
| Professional school | F | F | F | F | F | C ¹ |
| Trade school | F | F | F | F | F | C ¹ |
| <u>Entertainment and Recreational Uses</u> | | | | | | |
| Adult entertainment | F | F | F | F | F | F |
| Amusement game machines in commercial establishment | F | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F-G) | Triple Decker (3F-D) | Multifamily Residential (MFR) | Multifamily Residential/ Local Service (MFR/LS) |
|--|--------------------|--------------------|------------------------|----------------------------|-------------------------------------|--|
| <u>Entertainment and Recreational Uses (cont'd)</u> | | | | | | |
| Amusement game machines in non-commercial establishment | F | F | F | F | F | F |
| Bar | F | F | F | F | F | F |
| Bar with live entertainment | F | F | F | F | F | F |
| Bowling alley | F | F | F | F | F | F |
| Billiard parlor | F | F | F | F | F | F |
| Dance hall | F | F | F | F | F | F |
| Drive-in theatre | F | F | F | F | F | F |
| Fitness center or gymnasium | F | F | F | F | F | F |
| Private club not serving alcohol | F | F | F | F | F | C ¹ |
| Private club serving alcohol | F | F | F | F | F | F |
| Restaurant with live entertainment, not operating after 10:30 p.m. | F | F | F | F | F | F |
| Restaurant with live entertainment, operating after 10:30 p.m. | F | F | F | F | F | F |
| <u>Funerary Uses</u> | | | | | | |
| Cemetery | C | C | C | C | C | C |
| Columbarium | C | C | C | C | C | C |
| Crematory | C | C | C | C | C | C |
| Funeral home | A | A | A | A | A | A |
| Mortuary chapel | C | C | C | C | C | C |

TABLE A - Continued

| | <u>One-Family (1F)</u> | <u>Two-Family (2F)</u> | <u>Three-Family (3F-G)</u> | <u>Triple Decker (3F-D)</u> | <u>Multifamily Residential (MFR)</u> | <u>Multifamily Residential/ Local Service (MFR/LS)</u> |
|---|----------------------------|----------------------------|--------------------------------|-------------------------------------|--|--|
| <u>Health Care Uses</u> | | | | | | |
| Clinic | F | F | F | F | F | C ¹ |
| Clinical laboratory | F | F | F | F | F | F |
| Custodial care facility | C | C | C | C | C | C |
| Group residence, general | C | C | C | C | C | C |
| Hospital | F | F | F | F | C | F |
| Nursing or convalescent home | C | C | C | C | C | C |
| <u>Hotel and Conference Center Uses</u> | | | | | | |
| Bed and breakfast | C | C | C | C | C | C |
| Conference center | F | F | F | F | F | F |
| Executive suites | F | F | F | F | F | F |
| Hotel | F | F | F | F | F | F |
| Motel | F | F | F | F | F | F |
| <u>Industrial Uses</u> | | | | | | |
| Artists' mixed-use | F | F | F | F | C | C |
| Cleaning plant | F | F | F | F | F | F |
| General manufacturing use | F | F | F | F | F | F |
| Light manufacturing use | F | F | F | F | F | F |
| Printing Plant | F | F | F | F | F | F |
| Restricted industrial use | F | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F-G) | Triple Decker (3F-D) | Multifamily Residential (MFR) | Multifamily Residential/ Local Service (MFR/LS) |
|---|--------------------|--------------------|------------------------|----------------------------|-------------------------------------|--|
| <u>Office Uses</u> | | | | | | |
| Agency or professional office | F | F | F | F | F | A ¹ |
| General office | F | F | F | F | F | F |
| Office of wholesale business | F | F | F | F | F | C ¹ |
| <u>Open Space Uses</u> | | | | | | |
| Golf driving range | F | F | F | F | F | F |
| Grounds for sports, private | F | F | F | F | F | F |
| Open space | A | A | A | A | A | A |
| Open space recreational building | C | C | C | C | C | C |
| Outdoor place of recreation | | | | | | |
| for profit | F | F | F | F | F | F |
| Stadium | F | F | F | F | F | F |
| <u>Public Service Uses</u> | | | | | | |
| Automatic telephone exchange | C | C | C | C | C | C |
| Courthouse ² | C | C | C | C | C | C |
| Fire station ² | A | A | A | A | A | A |
| Penal institution ² | F | F | F | F | F | F |
| Police station ² | A | A | A | A | A | A |
| Pumping station ² | F | F | F | F | F | F |
| Recycling facility (excluding facilities handling toxic waste) | F | F | F | F | F | F |
| Solid waste transfer station | F | F | F | F | F | F |
| Sub-station ² | F | F | F | F | F | F |
| Telephone exchange | F | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F-G) | Triple Decker (3F-D) | Multifamily Residential (MFR) | Multifamily Residential/ Local Service (MFR/LS) |
|--|--------------------|--------------------|------------------------|----------------------------|-------------------------------------|--|
| <u>Research and Development Uses</u> | | | | | | |
| Research laboratory | F | F | F | F | F | F |
| Product development or prototype manufacturing | F | F | F | F | F | F |
| <u>Residential Uses</u> | | | | | | |
| Congregate living complex | F | F | F | F | A | A |
| Elderly housing | C | C | C | C | A | A |
| Group residence, Limited | A | A | A | A | A | A |
| Lodging house | C | C | C | C | C | C |
| Mobile home | F | F | F | F | F | F |
| Mobile home park | F | F | F | F | F | F |
| Multi-family dwelling | F | F | F | F | A | A |
| One family detached dwelling | A | A | C | C | F | F |
| One family semi-attached dwelling | F | A | A | A | F | F |
| Orphanage | A | A | A | A | A | A |
| Rowhouse | F | A | A | A | A | A |
| Temporary dwelling structure | C | C | C | C | C | C |
| Three family detached dwelling | F | F | A | A | A | A |
| Townhouse | F | F | C | F | A | A |
| Transitional housing or homeless shelter | C | C | C | C | C | C |
| Two family detached dwelling | F | A | C | C | C | C |
| Two family semi-attached dwelling | F | F | F | F | A | A |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F-G) | Triple Decker (3F-D) | Multifamily Residential (MFR) | Multifamily Residential/ Local Service (MFR/LS) |
|---------------------------------|--------------------|--------------------|------------------------|----------------------------|-------------------------------------|--|
| <u>Restaurant Uses</u> | | | | | | |
| Drive-in restaurant | F | F | F | F | F | F |
| Restaurant | F | F | F | F | F | C ¹ |
| Take-out restaurant | | | | | | |
| Small ³ | F | F | F | F | F | C ¹ |
| Large ⁴ | F | F | F | F | F | F |
| <u>Retail Uses⁵</u> | | | | | | |
| Adult bookstore | F | F | F | F | F | F |
| Bakery | F | F | F | F | F | C ¹ |
| General retail business | F | F | F | F | F | F |
| Liquor store | F | F | F | F | F | F |
| Local retail business | F | F | F | F | F | A ¹ |
| Outdoor sale of garden supplies | F | F | F | F | F | C ¹ |
| <u>Service Uses⁵</u> | | | | | | |
| Animal hospital | F | F | F | F | F | C ¹ |
| Barber or beauty shop | F | F | F | F | F | A ¹ |
| Caterer's establishment | F | F | F | F | F | C ¹ |
| Dry-cleaning shop | F | F | F | F | F | A ¹ |
| Kennel | F | F | F | F | F | C ¹ |
| Laundry, retail service | F | F | F | F | F | C ¹ |
| Laundry, self-service | F | F | F | F | F | A ¹ |
| Photocopying establishment | F | F | F | F | F | C ¹ |
| Shoe repair | F | F | F | F | F | A ¹ |
| Tailor shop | F | F | F | F | F | A ¹ |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F-G) | Triple Decker (3F-D) | Multifamily Residential (MFR) | Multifamily Residential/ Local Service (MFR/LS) |
|---|--------------------|--------------------|------------------------|----------------------------|-------------------------------------|--|
| <u>Storage Uses, Major</u> | | | | | | |
| Outdoor storage of new materials | F | F | F | F | F | F |
| Outdoor storage of damaged or disabled vehicles | F | F | F | F | F | F |
| Outdoor storage of junk and scrap | F | F | F | F | F | F |
| Storage of certain materials | F | F | F | F | F | F |
| Storage of flammable liquids and gases | | | | | | |
| Small ⁶ | F | F | F | F | F | F |
| Large ⁶ | F | F | F | F | F | F |
| Warehousing | F | F | F | F | F | F |
| Wrecking yard | F | F | F | F | F | F |
| <u>Trade Uses⁵</u> | | | | | | |
| Carpenters shop | F | F | F | F | F | F |
| Electrician's shop | F | F | F | F | F | F |
| Machine shop | F | F | F | F | F | F |
| Photographer's studio | F | F | F | F | F | C ¹ |
| Plumber's shop | F | F | F | F | F | F |
| Radio/television repair | F | F | F | F | F | C ¹ |
| Upholsterer's shop | F | F | F | F | F | C ¹ |
| Welder's shop | F | F | F | F | F | F |
| <u>Transportation Uses</u> | | | | | | |
| Airport | F | F | F | F | F | F |
| Bus terminal | F | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F-G) | Triple Decker (3F-D) | Multifamily Residential (MFR) | Multifamily Residential/ Local Service (MFR/LS) |
|---|--------------------|--------------------|------------------------|----------------------------|-------------------------------------|--|
| <u>Transportation Uses (cont'd)</u> | | | | | | |
| Garage with dispatch | F | F | F | F | F | F |
| Helicopter landing facility | F | F | F | F | F | F |
| Motor freight terminal | F | F | F | F | F | F |
| Rail freight terminal | F | F | F | F | F | F |
| Railroad passenger station | F | F | F | F | F | F |
| <u>Vehicular Uses</u> | | | | | | |
| Bus servicing or storage | F | F | F | F | F | F |
| Carwash | F | F | F | F | F | F |
| Gasoline station | F | F | F | F | F | F |
| Indoor sale and installation of automotive parts | F | F | F | F | F | F |
| Indoor sale of automobiles and trucks | F | F | F | F | F | F |
| Outdoor sale of new and used vehicles | F | F | F | F | F | F |
| Parking garage | F | F | F | F | F | F |
| Parking lot | F | F | F | F | F | F |
| Rental agency for cars | F | F | F | F | F | F |
| Rental agency for trucks | F | F | F | F | F | F |
| Repair garage | F | F | F | F | F | F |
| Truck servicing or storage | F | F | F | F | F | F |
| <u>Wholesale Uses</u> | | | | | | |
| Wholesale business | F | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F-G) | Triple Decker (3F-D) | Multifamily Residential (MFR) | Multifamily Residential/ Local Service (MFR/LS) |
|---|--------------------|--------------------|------------------------|----------------------------|-------------------------------------|--|
| <u>Accessory and Ancillary Uses</u> | | | | | | |
| In each subdistrict of the Dorchester Avenue Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory. | | | | | | |
| Accessory amusement game machines (not more than four) in commercial or non-commercial establishment | F | F | F | F | F | F |
| Accessory art use | C | C | C | C | C | C |
| Accessory automatic teller machine | F | F | F | F | F | A |
| Accessory bus servicing or storage | F | F | F | F | F | F |
| Accessory cafeteria | F | F | F | F | F | F |
| Accessory cultural uses | F | F | F | F | F | F |
| Accessory dormitory | F | F | F | F | F | F |
| Accessory drive-through restaurant | F | F | F | F | F | F |
| Accessory drive-through retail | F | F | F | F | F | F |
| Accessory family day care home | A | A | A | A | A | A |
| Accessory home occupation | A | A | A | A | A | A |
| Accessory industrial use | F | F | F | F | F | F |
| Accessory keeping of animals other than laboratory animals | F | F | F | F | F | F |
| Accessory keeping of laboratory animals | F | F | F | F | F | F |
| Accessory machine shop | F | F | F | F | F | F |
| Accessory manufacture of products | F | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F-G) | Triple Decker (3F-D) | Multifamily Residential (MFR) | Multifamily Residential/ Local Service (MFR/LS) |
|--|--------------------|--------------------|------------------------|----------------------------|-------------------------------------|--|
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | | | |
| Accessory offices | F | F | F | F | F | A |
| Accessory outdoor cafe | F | F | F | F | F | C ¹ |
| Accessory parking ⁶ | A | A | A | A | A | A |
| Accessory personnel quarters | F | F | F | F | C | C |
| Accessory printing | F | F | F | F | F | F |
| Accessory professional office in a dwelling | A | A | A | A | A | A |
| Accessory railroad storage yard | F | F | F | F | F | F |
| Accessory recycling | F | F | F | F | F | C |
| Accessory repair garage | F | F | F | F | F | F |
| Accessory retail | F | F | F | F | F | A |
| Accessory services for apartment and hotel residents | F | F | F | F | F | F |
| Accessory services incidental to educational uses other than a college or university use | F | F | F | F | F | F |
| Accessory storage of flammable liquids and gases | F | F | F | F | F | F |
| Small ⁷ | F | F | F | F | F | F |
| Large ⁷ | F | F | F | F | F | F |
| Accessory swimming pool or tennis court ⁸ | A | A | A | A | A | A |
| Accessory trade use | F | F | F | F | F | C |
| Accessory truck servicing or storage | F | F | F | F | F | F |
| Accessory wholesale business | F | F | F | F | F | F |
| Ancillary use ⁹ | C | C | C | C | C | C |

TABLE A - Continued

1. Provided such use is located on the ground floor; otherwise F.
2. Provided that the requirements of St. 1956, c.665, s.2, where appropriate, are met, otherwise C.
3. Total gross floor area not more than 1,000 square feet per use.
4. Total gross floor area exceeding 1,000 square feet per use.
5. Where a Retail, Service or Trade Use is designated "A", it shall be conditional if merchandise is sold or displayed out-of-doors or such establishment is open to the public after 12 midnight or before 6:00 a.m.
6. Except C in the Restricted Parking District if accessory to any use other than a Residential or related Use (see Table E).
7. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
8. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate which is locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
9. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

TABLE B

Dorchester Avenue Neighborhood District

Use Regulations in Neighborhood Business Subdistricts and Local Industrial Subdistricts

Key: A = Allowed, C = Conditional, F = Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

| | Local Convenience Subdistricts | | | Neighborhood Shopping Subdistricts | | | Community Commercial Subdistricts | | | Local Industrial Subdistricts |
|--------------------------------|--------------------------------|----------------------|--|------------------------------------|----------------------|--|-----------------------------------|----------------------|--|-------------------------------|
| | Bsmt. & First Story | Second Story & Above | | Bsmt. & First Story | Second Story & Above | | Bsmt. & First Story | Second Story & Above | | |
| | | | | | | | | | | |
| <u>Banking and Postal Uses</u> | | | | | | | | | | |
| Automatic teller machine Bank | C | F | | A | F | | A | F | | A ¹ |
| Drive-in Bank | F | F | | A | C | | A | A | | A ² |
| Post office | F | F | | F | F | | F | F | | F |
| | F | F | | A | A | | A | A | | A |
| <u>Community Uses</u> | | | | | | | | | | |
| Adult education center | A | C | | A | C | | A | A | | A |
| Community center | A | C | | A | C | | A | A | | A |
| Day care center | A | A | | A | A | | A | A | | C |
| Day care center, elderly | A | A | | A | A | | A | A | | C |
| Library | A | A | | A | A | | A | A | | C |
| Place of worship; monastery: | A | A | | A | A | | A | A | | A |

TABLE B - Continued

| | Local Convenience Subdistricts | | Neighborhood Shopping Subdistricts | | Community Commercial Subdistricts | | Local Industrial Subdistricts |
|---|--------------------------------|----------------------|------------------------------------|----------------------|-----------------------------------|----------------------|-------------------------------|
| | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | |
| <u>Cultural Uses</u> | | | | | | | |
| Art gallery | C | C | A | C | A | A | C |
| Art use | A | F | A | C | A | A | C |
| Auditorium | F | F | C | A | A | A | C |
| Cinema | F | F | C | C | A | A | C |
| Concert hall | C | C | C | C | C | C | C |
| Museum | F | F | C | C | A | A | C |
| Public art, display space | A | F | A | C | A | A | A |
| Studios, arts | C | F | A | C | A | A | A |
| Studios, production | F | F | C | C | A | A | A |
| Theatre | F | F | A | C | A | A | A |
| Ticket sales | C | F | C | C | A | C | A |
| <u>Dormitory and Fraternity Uses</u> | | | | | | | |
| Dormitory not accessory to a use | F | F | F | F | F | F | F |
| Fraternity | F | F | F | F | F | F | F |
| <u>Educational Uses</u> | | | | | | | |
| College or university | F | F | C | C | C | C | C |
| Elementary or secondary school ³ | C | F | A | C | A | A | F |
| Kindergarten | C | F | A | C | A | A | F |
| Professional school | F | F | C | A | A | A | A |
| Trade school | F | F | C | A | C | A | A |

TABLE B - Continued

| | Local Convenience Subdistricts | | | Neighborhood Shopping Subdistricts | | | Community Commercial Subdistricts | | | Local Industrial Subdistricts | | |
|---|--------------------------------|--------------|-------|------------------------------------|--------------|-------|-----------------------------------|--------------|-------|-------------------------------|--------------|-------|
| | F | F | F | F | F | F | F | F | F | F | F | F |
| | | | | | | | | | | | | |
| | Bsmt. & First Story | Second Story | Above | Bsmt. & First Story | Second Story | Above | Bsmt. & First Story | Second Story | Above | Bsmt. & First Story | Second Story | Above |
| <u>Entertainment and Recreational Uses</u> | | | | | | | | | | | | |
| Adult entertainment | F | F | F | F | F | F | F | F | F | F | F | F |
| Amusement game machines in commercial establishment | F | F | F | F | F | F | F | F | F | F | F | F |
| Amusement game machines in non-commercial establishment | F | F | F | F | F | F | F | F | F | F | F | F |
| Bar ⁴ | C | F | F | C | C | C | C | C | C | C | C | C |
| Bar with live entertainment ⁴ | F | F | F | C | C | C | C | C | C | C | C | C |
| Bowling alley | F | F | F | C | C | C | C | C | C | C | C | C |
| Billiard parlor | F | F | F | C | C | C | C | C | C | C | C | C |
| Dance hall | F | F | F | C | C | C | C | C | C | C | C | C |
| Drive-in theatre | F | F | F | C | C | C | C | C | C | C | C | C |
| Fitness center or gymnasium | F | F | F | C | C | C | C | C | C | C | C | C |
| Private club not serving alcohol | F | F | F | C | C | C | C | C | C | C | C | C |
| Private club serving alcohol | F | F | F | C | C | C | C | C | C | C | C | C |
| Restaurant with live entertainment, not operating after 10:30 p.m. ⁴ | F | F | F | A | C | C | A | C | C | F | F | F |
| Restaurant with live entertainment operating after 10:30 p.m. ⁴ | F | F | F | C | C | C | C | C | C | C | C | C |
| <u>Funerary Uses</u> | | | | | | | | | | | | |
| Cemetery | F | F | F | F | F | F | F | F | F | F | F | F |
| Columbarium | F | F | F | F | F | F | F | F | F | F | F | F |
| Crematory | F | F | F | F | F | F | F | F | F | F | F | F |

TABLE B - Continued

| | <u>Local Convenience Subdistricts</u> | | <u>Neighborhood Shopping Subdistricts</u> | | <u>Community Commercial Subdistricts</u> | | <u>Local Industrial Subdistricts</u> |
|---|---------------------------------------|---------------------------------|---|---------------------------------|--|---------------------------------|--------------------------------------|
| | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | |
| <u>Funerary Uses (cont'd)</u> | | | | | | | |
| Funeral home | A | A | A | A | A | A | F |
| Mortuary chapel | A | F | A | C | A | A | F |
| <u>Health Care Uses</u> | | | | | | | |
| Clinic | A | F | A | C | A | C | C |
| Clinical laboratory | F | F | A | C | A | A | A |
| Custodial care facility | F | F | C | C | C | C | C |
| Group care residence, general | F | F | C | C | C | C | F |
| Hospital | F | F | C | C | C | C | C |
| Nursing or convalescent home | F | F | C | A | F | F | F |
| <u>Hotel and Conference Center Uses</u> | | | | | | | |
| Bed and breakfast | F | C | C | A | C | C | F |
| Conference center | F | F | F | F | C | C | F |
| Executive suites | F | F | F | C | C | C | C |
| Hotel | F | F | F | F | C | C | C |
| Motel | F | F | F | F | F | F | C |
| <u>Industrial Uses</u> | | | | | | | |
| Artists' mixed-use | F | C | C | A | F | A | A |
| Cleaning plant | F | F | F | F | F | F | C |
| General manufacturing use | F | F | F | F | F | F | C |

TABLE B - Continued

| | Local Convenience Subdistricts | | | Neighborhood Shopping Subdistricts | | | Community Commercial Subdistricts | | | Local Industrial Subdistricts |
|--|--------------------------------|---------------------------------|--|------------------------------------|---------------------------------|--|-----------------------------------|---------------------------------|--|-------------------------------|
| | <u>Subdistricts</u> | | | <u>Subdistricts</u> | | | <u>Subdistricts</u> | | | |
| | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | | |
| <u>Industrial Uses (cont'd)</u> | | | | | | | | | | |
| Light manufacturing use | F | F | | F | F | | F | F | | A |
| Printing plant | F | F | | C | C | | C | C | | A |
| Restricted industrial use | F | F | | F | F | | F | F | | C |
| <u>Office Uses</u> | | | | | | | | | | |
| Agency or professional office | A | A | | A | A | | A | A | | A |
| General office | F | F | | C | A | | A | A | | A ⁵ |
| Office of wholesale business | F | F | | C | F | | A | C | | A |
| <u>Open Space Uses</u> | | | | | | | | | | |
| Golf driving range | F | F | | F | F | | F | F | | F |
| Grounds for sports, private | F | F | | F | F | | F | F | | C |
| Open space | A | A | | A | A | | A | A | | A |
| Open space recreational building | A | A | | A | A | | A | A | | A |
| Outdoor place of recreation for profit | F | F | | F | F | | F | F | | C |
| Stadium | F | F | | F | F | | F | F | | C |
| <u>Public Service Uses</u> | | | | | | | | | | |
| Automatic telephone exchange | C | F | | C | C | | C | A | | A |
| Courthouse ³ | F | F | | C | C | | A | A | | A |
| Fire station ³ | A | A | | A | A | | A | A | | A |
| Penal institution ³ | F | F | | F | F | | F | F | | F |

TABLE B - Continued

| | Local Convenience Subdistricts | | Neighborhood Shopping Subdistricts | | Community Commercial Subdistricts | | Local Industrial Subdistricts |
|--|--------------------------------|----------------------|------------------------------------|----------------------|-----------------------------------|----------------------|-------------------------------|
| | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | |
| <u>Public Service Uses (cont'd)</u> | | | | | | | |
| Police station ³ | A | A | A | A | A | A | A |
| Pumping station ³ | C | F | C | F | C | F | A |
| Recycling facility (excluding facilities handling toxic waste) | C | F | C | C | C | C | C |
| Solid waste transfer station | F | F | F | F | F | F | F |
| Sub-station ³ | F | F | F | C | F | C | A |
| Telephone exchange | C | F | C | C | C | C | C |
| <u>Research and Development Uses⁶</u> | | | | | | | |
| Research laboratory | F | F | F | C | C | C | A |
| Product development or prototype manufacturing | F | F | F | C | C | C | A |
| <u>Residential Uses</u> | | | | | | | |
| Congregate living complex | C | A | C | A | F | A | F |
| Elderly housing | C | A | C | A | F | A | F |
| Group residence, limited | A | A | C | A | C | C | F |
| Homeless shelter | C | C | C | C | C | C | F |
| Lodging house | F | C | C | C | F | F | F |
| Mobile home | F | F | F | F | F | F | F |
| Mobile home park | F | F | F | F | F | F | F |
| Multi-family dwelling | A | A | C | A | C | A | F |

TABLE B - Continued

| | Local Convenience Subdistricts | | Neighborhood Shopping Subdistricts | | Community Commercial Subdistricts | | Local Industrial Subdistricts | |
|-----------------------------------|--------------------------------|----------------------|------------------------------------|----------------------|-----------------------------------|----------------------|-------------------------------|---|
| | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | | |
| | | | | | | | | |
| <u>Residential Uses (cont'd)</u> | | | | | | | | |
| One family detached dwelling | F | F | F | F | F | F | F | F |
| One family semi-attached dwelling | F | F | F | F | F | F | F | F |
| Orphanage | F | F | C | C | C | C | F | F |
| Rowhouse | A | A | F | F | F | F | F | F |
| Temporary dwelling structure | F | F | F | F | F | F | F | F |
| Three family detached dwelling | A | A | C | A | C | A | F | F |
| Townhouse | A | A | C | A | C | A | F | F |
| Transitional housing | C | A | C | A | C | A | F | F |
| Two family detached dwelling | A | A | F | F | F | F | F | F |
| Two family semi-attached dwelling | A | A | F | F | F | F | F | F |
| <u>Restaurant Uses</u> | | | | | | | | |
| Drive-in restaurant | F | F | F | F | F | F | F | F |
| Restaurant | C | F | A | C | A | C | A | A |
| Take-out restaurant | | | | | | | | |
| Small ⁷ | A | F | A | F | A | F | A ¹ | |
| Large ⁸ | C | F | C | F | C | F | C | |
| <u>Retail Uses⁹</u> | | | | | | | | |
| Adult bookstore | F | F | F | F | F | F | F | F |
| Bakery | A | F | A | C | A | C | A | A |
| General retail business | F | F | F | F | A | C | A | C |

TABLE B - Continued

| | Local Convenience Subdistricts | | Neighborhood Shopping Subdistricts | | Community Commercial Subdistricts | | Local Industrial Subdistricts |
|---|--------------------------------|----------------------|------------------------------------|----------------------|-----------------------------------|----------------------|-------------------------------|
| | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | |
| <u>Retail Uses (cont'd)</u> | | | | | | | |
| Liquor store | F | F | C | F | C | F | F |
| Local retail business | A | F | A | C | A | C | A |
| Outdoor sale of garden supplies | A | F | A | F | A | F | C ¹ |
| <u>Service Uses⁹</u> | | | | | | | |
| Animal hospital | C | F | C | C | C | F | C |
| Barber or beauty shop | A | F | A | A | A | A | A |
| Caterer's establishment | A | F | A | A | A | C | A |
| Dry-cleaning shop | A | F | A | A | A | C | A |
| Kennel | C | F | C | F | C | F | A ² |
| Laundry, retail service | A | F | A | F | A | F | A |
| Laundry, self-service | A | F | A | F | A | F | A |
| Photocopying establishment | A | F | A | A | A | A | A |
| Shoe repair | A | F | A | A | A | A | A |
| Tailor shop | A | F | A | A | A | A | A |
| <u>Storage Uses, Major</u> | | | | | | | |
| Outdoor storage of new materials | F | F | F | F | F | F | C |
| Outdoor storage of damaged or disabled vehicles | F | F | F | F | F | F | F |
| Outdoor storage of junk and scrap | F | F | F | F | F | F | F |
| Storage of certain materials | F | F | F | F | F | F | F |

TABLE B - Continued

| | Local Convenience Subdistricts | | | Neighborhood Shopping Subdistricts | | | Community Commercial Subdistricts | | | Local Industrial Subdistricts | | |
|--|--------------------------------|-------------|----------------------|------------------------------------|-------------|----------------------|-----------------------------------|-------------|----------------------|-------------------------------|-------------|----------------------|
| | Bsmt. | First Story | Second Story & Above | Bsmt. | First Story | Second Story & Above | Bsmt. | First Story | Second Story & Above | Bsmt. | First Story | Second Story & Above |
| <u>Storage Uses, Major (cont'd)</u> | | | | | | | | | | | | |
| Storage of flammable liquids and gases | C | C | C | C | C | C | C | C | C | A | A | A |
| Small ¹⁰ | F | F | F | F | F | F | F | F | F | F | F | F |
| Large ¹⁰ | F | F | F | F | F | F | F | F | F | F | F | F |
| Storage or transfer of toxic waste | F | F | F | F | F | F | F | F | F | C | C | C |
| Warehousing | F | F | F | F | F | F | F | F | F | F | F | F |
| Wrecking yard | F | F | F | F | F | F | F | F | F | F | F | F |
| <u>Trade Uses⁹</u> | | | | | | | | | | | | |
| Carpenters shop | A | F | F | A | C | C | A | C | C | A | A | A |
| Electrician's shop | A | F | F | A | A | C | A | A | C | A | A | A |
| Machine shop | C | F | F | C | C | C | A | A | C | A | A | A |
| Photographer's studio | A | F | F | A | A | C | A | A | C | A | A | A |
| Plumber's shop | A | F | F | A | A | C | A | A | C | A | A | A |
| Radio/television repair | A | F | F | A | A | C | A | A | C | A | A | A |
| Upholsterer's shop | A | F | F | A | A | C | A | A | C | A | A | A |
| Welder's shop | F | F | F | C | C | F | C | C | F | A | A | A |
| <u>Transportation Uses</u> | | | | | | | | | | | | |
| Airport | F | F | F | F | F | F | F | F | F | F | F | F |
| Bus terminal | F | F | F | F | F | F | F | F | F | F | F | F |
| Garage with dispatch | C | F | F | C | C | C | C | C | C | C | C | C |

Local
Industrial
Subdistricts

| | Local Convenience Subdistricts | | Neighborhood Shopping Subdistricts | | Community Commercial Subdistricts | | Local Industrial Subdistricts |
|--|--------------------------------|----------------------|------------------------------------|----------------------|-----------------------------------|----------------------|-------------------------------|
| | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | |
| <u>Transportation Uses (cont'd)</u> | | | | | | | |
| Helicopter landing facility | F | F | F | F | F | F | F |
| Motor freight terminal | F | F | F | F | F | F | F |
| Rail freight terminal | F | F | F | F | F | F | F |
| Railroad passenger station | C | C | C | C | C | C | C |
| <u>Vehicular Uses</u> | | | | | | | |
| Bus servicing or storage | F | F | F | F | F | F | F |
| Carwash ¹¹ | F | F | F | F | F | F | F |
| Gasoline station ¹¹ | F | F | F | F | F | F | F |
| Indoor sale and installation of automotive parts | F | F | F | F | F | F | F |
| Indoor sale of automobiles and trucks | F | F | F | F | F | F | F |
| Outdoor sale of new and used vehicles | F | F | F | F | F | F | F |
| Parking garage ¹² | F | F | C | C | C | C | A |
| Parking lot ¹² | F | F | C | C | C | C | A |
| Rental agency for cars | F | F | F | F | F | F | F |
| Rental agency for trucks | F | F | F | F | F | F | F |
| Repair garage ¹¹ | F | F | F | F | C | F | C ¹ |
| Truck servicing or storage | F | F | F | F | F | F | F |

TABLE B - Continued

| Local Convenience Subdistricts | Neighborhood Shopping Subdistricts | | Community Commercial Subdistricts | | Local Industrial Subdistricts |
|--------------------------------------|--|------------------|---|------------------|-------------------------------------|
| | Bsmt. | Second | Bsmt. | Second | |
| | & First Story | Story & Above | & First Story | Story & Above | |

Wholesale Uses

Wholesale business

F F C F C C A

Accessory and Ancillary Uses

In each subdistrict of the Dorchester Avenue Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines

(not more than four) in commercial

or non-commercial establishment

Accessory art use

Accessory automatic teller machine

Accessory bus servicing or storage

Accessory cafeteria

Accessory cultural use

Accessory dormitory

Accessory drive-through restaurant

Accessory drive-through retail

Accessory family day care home

Accessory home occupation

Accessory industrial use

| | | | | | | |
|---|---|---|---|---|---|-----------------|
| C | F | C | C | C | F | F ¹³ |
| A | F | C | C | A | A | F |
| C | F | C | C | A | F | A |
| F | F | F | F | F | F | C |
| A | C | A | A | A | A | A |
| A | A | A | A | A | A | A |
| F | F | F | F | F | F | F |
| F | F | F | F | F | F | F |
| F | F | F | F | F | F | F |
| A | A | A | A | A | A | C ¹ |
| A | A | A | A | A | A | A |
| F | F | F | F | F | F | F |
| F | F | F | F | F | F | A |

TABLE B - Continued

| | Local Convenience Subdistricts | | Neighborhood Shopping Subdistricts | | Community Commercial Subdistricts | | Local Industrial Subdistricts |
|--|--------------------------------|----------------------|------------------------------------|----------------------|-----------------------------------|----------------------|-------------------------------|
| | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | |
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | | | | |
| Accessory keeping of animals other than laboratory animals | C | F | C | F | C | C | C |
| Accessory keeping of laboratory animals ⁶ | F | F | C | C | C | C | C |
| Accessory machine shop | F | F | F | F | A | F | A ¹ |
| Accessory manufacture of products | F | F | F | F | C | C | C |
| Accessory offices | A | A | A | A | A | A | A |
| Accessory offices for university | F | F | F | F | F | F | F |
| Accessory outdoor cafe | A | F | A | F | A | F | A ¹ |
| Accessory parking ¹² | A | F | A | F | A | F | A ¹ |
| Accessory personnel quarters | F | F | F | F | F | F | F |
| Accessory printing | C | C | A | C | A | C | A |
| Accessory professional office in a dwelling | A | A | A | A | A | A | A |
| Accessory railroad storage yard | F | F | F | F | F | F | F |
| Accessory recycling | F | C | F | C | C | A | A |
| Accessory repair garage | F | F | F | F | F | F | F |
| Accessory retail | A | C | A | C | A | A | A |
| Accessory services for apartment and hotel residents | A | A | A | A | A | A | A |
| Accessory services incidental to educational uses other than college or university use | F | F | F | F | C | C | C |

TABLE B - Continued

| | Local Convenience Subdistricts | | Neighborhood Shopping Subdistricts | | Community Commercial Subdistricts | | Local Industrial Subdistricts |
|---|--------------------------------|----------------------|------------------------------------|----------------------|-----------------------------------|----------------------|-------------------------------|
| | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above | |
| | | | | | | | |
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | | | | |
| Accessory storage of flammable liquids and gases | | | | | | | |
| Small ¹⁰ | C | C | C | C | A | A | A |
| Large ¹⁰ | F | F | F | F | F | F | F |
| Accessory swimming pool or tennis court ¹⁴ | A | C | A | C | A | C | C |
| Accessory trade uses | A | A | A | A | A | A | A |
| Accessory truck servicing or storage | F | F | F | F | F | F | F |
| Accessory wholesale business | F | F | F | F | C | C | C |
| Ancillary use ¹⁵ | C | C | C | C | C | C | C |

1. F on second story and above.
2. C on second story and above.
3. Provided that the requirements of St. 1956, c. 665, S.2, where appropriate, are met.
4. See Section 52-23.
5. Provided that such use shall not exceed forty percent (40%) of the gross floor area allowed within a Lot.

TABLE B - Continued

6. Provided that such use shall comply with all guidelines and standards promulgated by the National Institute of Health concerning the care and use of laboratory animals.
7. Total gross floor area not more than 2,500 square feet per restaurant.
8. Total gross floor area **exceeding** 2,500 square feet per restaurant.
9. Where a Retail, Service or Trade Use is designated "A", it shall be conditional if merchandise is sold or displayed out-of-doors or such establishment is open to the public after 12 midnight or before 6:00 a.m.
10. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
11. Where such use is designated "A", or "C", provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
12. If such Use is located in the Restricted Parking District, it is C and subject to the provisions of Section 6-3A as well as Sections 6-2, 6-3 and 6-4; except that parking accessory to a Residential or related Use (see Table H) is A.
13. A on second story and above.
14. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate which is locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
15. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

Table C

**Dorchester Avenue Neighborhood District
Residential Subdistricts Dimensional Regulations**

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ² Maximum Stories | Usable Open Space ³ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁴ Minimum Depth (Feet) | Side Yard ⁶ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|---|--|--|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| One-Family Residential Subdistrict | | | | | | | | | | | |
| <u>1F-4,000'</u> | | | | | | | | | | | |
| 1 Family Detached | 4,000 | N/A | 45 | 45 | 0.5 | 2-1/2 | 1,000 | 15 | 10 | 30 | 25 |
| Other Use | 4,000 | N/A | 45 | 45 | 0.5 | 2-1/2 | none | 15 | 10 | 30 | 20 |
| <u>1F-5,000'</u> | | | | | | | | | | | |
| 1 Family Detached | 5,000 | N/A | 50 | 50 | 0.5 | 2-1/2 | 1,250 | 20 | 10 | 20 | 25 |
| Other Use | 5,000 | N/A | 50 | 50 | 0.5 | 2-1/2 | none | 20 | 10 | 20 | 20 |

Table C - Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ² Maximum Stories | Usable Open Space ³ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁴ Minimum Depth (Feet) | Side Yard ⁵ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|---|--|--|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| Two-Family Residential Subdistrict | | | | | | | | | | | |
| <u>2F - 3000'</u> | | | | | | | | | | | |
| 1 or 2 Family Detached | 3,000 for 1 or 2 units | N/A | 30 | 30 | 0.9 | 2-1/2 35 | 600 | 5 | 5 | 20 | 25 |
| Other Use | 3,000 | N/A | 30 | 30 | 0.9 | 2-1/2 35 | none | 10 | 7 | 20 | 20 |
| <u>2F - 4000'</u> | | | | | | | | | | | |
| 1 or 2 Family Detached | 4,000 for 1 or 2 units | N/A | 40 | 40 | 0.7 | 2-1/2 35 | 750 | 10 | 7 | 25 | 25 |
| Other Use | 4,000 | N/A | 40 | 40 | 0.7 | 2-1/2 35 | none | 15 | 7 | 25 | 20 |
| <u>2F - 5000'</u> | | | | | | | | | | | |
| 1 or 2 Family Detached | 5,000 for 1 or 2 units | N/A | 45 | 45 | 0.6 | 2-1/2 35 | 800 | 10 | 10 | 30 | 25 |
| Other Use | 5,000 | N/A | 45 | 45 | 0.6 | 2-1/2 35 | none | 15 | 10 | 30 | 20 |

Table C - Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ² Maximum Stories | Usable Open Space ³ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁴ Minimum Depth (Feet) | Side Yard ⁶ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|--|--|--|-----------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| | | | | | | | | | | | |
| Three-Family Residential Subdistrict | | | | | | | | | | | |
| Three-Family General | | | | | | | | | | | |
| 3F-G-2,000 ² | | | | | | | | | | | |
| Semi-attached Dwelling, Row House Building, or Town House Building | 1,000 for 1 unit | 1,000 | 30 | 30 | 1.3 | 3 | 300 | 10 | 5 | 20 | 25 |
| Any other Dwelling or Use | 2,000 for 1 or 2 units | 1,000 | 30 | 30 | 1.3 | 3 | 300 | 10 | 5 | 20 | 20 |
| 3F-G-3,000 | | | | | | | | | | | |
| Semi-attached Dwelling, Row House Building, or Town House Building | 1,500 for 1 unit | 1,500 | 35 | 35 | 1.0 | 3 | 300 | 10 | 5 | 20 | 25 |

Table C - Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ² Maximum Stories | Usable Open Space ³ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁴ Minimum Depth (Feet) | Side Yard ⁵ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|---|--|--|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| | | | | | | | | | | | |
| Any other Dwelling or Use | 3,000 for 1 or 2 units | 1,500 | 35 | 35 | 1.0 | 3 | 300 | 10 | 5 | 20 | 20 |
| <u>3F-G-4,000</u> | | | | | | | | | | | |
| Semi-attached Dwelling, Row House Building, or Town House Building | 2,000 for 1 unit | 2,000 | 40 | 40 | 0.8 | 3 | 300 | 10 | 5 | 30 | 25 |
| Any other Dwelling or Use | 4,000 for 1 or 2 units | 2,000 | 40 | 40 | 0.8 | 3 | 300 | 10 | 5 | 30 | 20 |
| <u>3F-G-5,000</u> | | | | | | | | | | | |
| Semi-attached Dwelling, Row House Building, or Town House Building | 2,500 for 1 unit | 2,500 | 40 | 40 | 0.7 | 3 | 300 | 10 | 5 | 40 | 25 |
| Any other Dwelling or Use | 5,000 for 1 or 2 units | 2,500 | 40 | 40 | 0.7 | 3 | 300 | 10 | 5 | 40 | 20 |

Table C - Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ² Maximum Stories | Usable Open Space ³ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁴ Minimum Depth (Feet) | Side Yard ⁶ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|--|--|--|-----------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| <u>3F-G-6,000</u> | | | | | | | | | | | |
| Semi-attached. Dwelling, Row House Building, or Town House Building | 3,000 for 1 unit | 3,000 | 70 | 70 | 0.6 | 3 | 35 | 20 | 10 | 50 | 25 |
| Any other Dwelling or Use | 6,000 for 1 or 2 units | 3,000 | 70 | 70 | 0.6 | 3 | 35 | 20 | 5 | 50 | 20 |
| <u>Triple-Decker</u> | | | | | | | | | | | |
| <u>3F-D-3,000</u> | | | | | | | | | | | |
| Triple-Decker Detached | 3,000 | N/A | 30 | 30 | 1.3 | 3 | 40 | 5 | 5 | 15 | 25 |
| <u>3F-D-4,000</u> | | | | | | | | | | | |
| Triple-Decker Detached | 4,000 | N/A | 40 | 40 | 1.3 | 3 | 40 | 7 | 5 | 30 | 25 |

Table C - Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ² Maximum Stories | Usable Open Space ³ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁴ Minimum Depth (Feet) | Side Yard ⁵ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|---|--|--|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| MFR and MFR/LS | | | | | | | | | | | |
| 1, 2, or 3 Family Detached Dwelling or Semi-attached Dwelling | 3,000 per building of 1 or 2 units | 1,000 | 40 | 40 | 1.0 | 3 | 35 | 400 | 5 | 10 | 25 |
| Row House Building or Town House Building | 3,000 for up to 4 units per building | 3,000 for up to 4 units per building | 30 for each building | 30 for each building | 1.0 | 3 | 35 | 200 | 5 | 30 | 25 |
| Any other Dwelling or Use | 4,000 for first 4 units | 1,000 | 40 | 40 | 1.0 ⁷ | 3 | 35 | 200 | 5 | 20 | 25 |

Footnotes

1. See Map 5C, Map 5D and Map 8C, and Section 52-9. In a 1F Subdistrict, the maximum number of dwelling units allowed in a single structure shall be one (1). In a 2F Subdistrict, the maximum number of dwelling units allowed in a single structure shall be two (2). In a 3F-D OR 3F-G Subdistrict, the maximum number of dwelling units allowed in a single structure, a Town House Building or in a Row House Building, shall be three (3) and the maximum number of Town House Buildings or Row House Buildings attached in a row shall be three (3). See also Section 52-30, Application of Dimensional Requirements.
2. For the purpose of determining Building Height, the floor area of a dormer on a Dwelling shall not be included in the floor area calculation for a half story; provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of an existing Structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation for a half story. However, the floor area of such dormers shall be included in Gross Floor Area of the Dwelling.
3. Applicable only to Residential Uses and Dormitory/Fraternity Uses. In MFR Subdistricts, all or part of the usable open space requirement may be met by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings.
4. See Section 52-26.2, Conformity with Existing Building Alignment. A bay window may protrude into a Front Yard.
5. At least five (5) feet from a side lot line and ten (10) feet from an existing structure on an abutting lot, and the aggregate side yard width shall be not less than ten (10) feet.
6. Semi-attached Dwellings, Town House Buildings, and Row House Buildings are only required to have side yards on sides that are not attached to another Dwelling.
7. Provided that, in the area bounded by Dorchester Park and Dorchester Avenue, the maximum Floor Area Ratio for a Hospital Use shall be four (4).

Dorchester Avenue Neighborhood District
Dimensional Regulations Neighborhood Business Subdistricts and Local Industrial Subdistricts

| | <u>Local Convenience Subdistricts</u> | <u>Neighborhood Shopping Subdistricts</u> | <u>Community Commercial Subdistricts</u> | <u>Local Industrial Subdistricts</u> |
|---|---|---|--|--|
| Maximum Floor Area Ratio | 1.0 | 1.0 | 1.0 | 1.0 |
| Maximum Building Height | 40 | 40 | 40 | 40 |
| Minimum Lot Size | none | none | none | none |
| Minimum Lot Area Per Dwelling Unit | none | none | none | none |
| Minimum Usable Open Space (1) per Dwelling Unit (square feet) | 50 | 50 | 50 | 50 |
| Minimum Lot Width | none | none | none | none |
| Minimum Lot Frontage | none | none | none | none |
| Minimum Front Yard (3) | none (2) | none (2) | none (2) | 6 (2) |
| Minimum Side Yard (4) | none | none | none | none |
| Minimum Rear Yard (5) | 20 | 20 | 20 | 20 |

Footnotes:

1. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
2. See Section 52-21.1, Street Wall Continuity.
3. In a required front yard, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.
- In a Neighborhood Business and Local Industrial Subdistricts, every front yard required by this code shall be at grade level along every lot line on which such yard abuts.
4. In a Neighborhood Business and Local Industrial Subdistricts, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
5. In a Neighborhood Business and Local Industrial Subdistricts, every rear yard required by this code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE E

Off-Street Parking Requirements¹Proposed Projects Under 50,000 Square Feet
of Gross Floor Area²

| | <u>Space(s) per 1,000 Square Feet of Gross Floor Area</u> |
|--------------------------------------|---|
| <u>Banking and Postal Uses</u> | 1.0 |
| <u>Community Uses</u> | 1.0 |
| <u>Educational Uses</u> | |
| Day Care Center | 0.7 |
| Elementary School | 0.7 |
| Middle School (through 9th Grade) | 0.7 |
| Kindergarten | 0.7 |
| Other Educational Uses | 1.0 |
| <u>Health Care Uses</u> | 1.0 |
| <u>Industrial Uses</u> | 0.5 |
| <u>Office Uses</u> | 2.0 |
| <u>Public Service Uses</u> | |
| Courthouse | 2.0 |
| Police Station | 1.5 |
| Fire Station | 1.0 |
| All other Public Service Uses | 0 |
| <u>Research and Development Uses</u> | 0.5 |
| <u>Retail Uses</u> | 2.0 |
| <u>Service and Trade Uses</u> | 2.0 |

TABLE E - Continued

Off-Street Parking Requirements¹Proposed Projects Under 50,000 Square Feet
of Gross Floor Area²

| | | <u>Space(s) per 1,000 Square Feet of Gross Floor Area</u> |
|--|---|--|
| <u>Storage Uses, Major</u> | | 0.5 |
| <u>Transportation Uses</u> | | 0.25 |
| <u>Vehicular Uses</u> | | 0.5 |
| <u>Wholesale Uses</u> | | 0.25 |
| | <u>If there are seats (spaces per seat)³</u> | <u>If there are no seats (spaces per 1,000 square feet of public floor area in structures)³</u> |
| <u>Cultural Uses</u> | | |
| Auditorium, Cinema, Concert Hall, Theatre | 0.2 | 1.0 |
| All other cultural uses | 0.1 | 1.0 |
| <u>Entertainment and Recreational Uses</u> | 0.15 | 4.0 |
| <u>Funerary Uses</u> | | |
| Funeral home | 0.1 | 3.0 |
| Mortuary chapel | 0.1 | 3.0 |
| All other funerary uses | none | none |
| <u>Open Spaces Uses</u> | | |
| Stadium | - | 20.0 |
| All other | 0.2 | 6.0 |
| <u>Places of Worship</u> | 0.1 | 3.0 |
| <u>Restaurant Uses</u> | 0.15 | 4.0 |

1. Except in the Restricted Parking District. In said district no off-street parking is required for these uses; see Section 3-1A(c).
2. For Proposed Projects of 50,000 or more square feet of gross floor area, see Section 52-25.
3. Where benches are used, each two (2) lineal feet of bench shall constitute one seat.

TABLE E - Continued

Off-Street Parking Requirements
Residential and Related Uses

Proposed Projects Under 50,000 Square Feet of
Gross Floor Area¹

| | Off Street Parking Requirement (space per dwelling unit) ² |
|---|---|
| <u>Dormitory/Fraternity Uses</u> | 0.5 |
| <u>Hotel and Conference Center Uses</u> | 0.7 |
| <u>Residential Uses</u> | |
| Affordable Housing | 0.7 |
| Elderly Housing | 0.5 |
| Group Residence Limited | 0.5 |
| Homeless Shelter | 0.25 |
| Lodging House | 0.5 |
| Transitional Housing | 0.25 |
| Other Residential Uses | 1.00 |

1. For Proposed Projects of 50,000 or more square feet of gross floor area, see Section 52-25.
2. Where a use is not divided into Dwelling Units:
 - (a) if sleeping rooms have accommodations for not more than two (2) persons, two (2) such sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two (2) persons, four (4) beds shall constitute a Dwelling Unit.

TABLE F

Off-Street Loading Requirements

Proposed Project Under 50,000 Square Feet of
Gross Floor Area(1)

| <u>Gross Floor Area</u> | <u>Required Off Street Loading Bays</u> |
|---------------------------|---|
| 0-15,000 square feet | 0 |
| 15,001-49,999 square feet | 1.0 |

1. For Proposed Projects of 50,000 or more square feet, see Section 52-25.

Text Amendment Application No. 205

Text Amendment No. 175

Richard B. Fowler

Chairman

Robert L. Mann

Vice Chairman

Joan M. McGrath
1822 Gilman

Robert Fowler

Kenneth E. Shay

Howard J. Ginter

Edward J. D'Agostino

In Zoning Commission

Adopted February 21, 1992.

Attest:

Marguerite Heldebrand
Secretary

The foregoing amendment was presented to the Mayor on March 3, 1992, and was not returned by him with objections thereto in writing within fifteen days thereafter. The foregoing amendment, therefore, became effective on March 19, 1992, in accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest:

Marguerite Heldebrand
Secretary

TEXT AMENDMENT NO. 181

EFFECTIVE
October 28, 1992*

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning Code as follows:

By inserting, after Article 46, the following article:

ARTICLE 47A

CAMBRIDGE STREET NORTH DISTRICT

SECTION 47A-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish the zoning regulations, as required by the provisions of the Downtown Interim Planning Overlay District, Article 27D of this Code, for that portion of the area covered by the Cambridge Street Plan that is located north of the center line of Cambridge Street, established by this Article as the Cambridge Street North District. Because the Cambridge Street Plan, which addresses the relationship between the north and south sides of Cambridge Street, recognizes that the north side of Cambridge Street requires different zoning regulations from the south side, this Article does not establish zoning regulations for the portion of the area covered by the Cambridge Street Plan that lies south of the center line of Cambridge Street. The goals and objectives of this Article and the Cambridge Street Plan are to: (1) preserve and maintain the historic character of the area; (2) to create opportunities for an active pedestrian street life; (3) to provide for institutional growth through an open planning process and in a manner that is compatible with existing District uses; (4) to direct development in a way that promotes balanced growth for Boston; and (5) to provide for streetscape and landscape improvements which enhance the natural and built environment.

+ Date of public notice: September 18, 1992 (see St. 1956, c. 665, s. 5).

SECTION 47A-2. Recognition of the Cambridge Street Plan. In accordance with Section 27D-18 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for Special Study Areas in the Downtown Interim Planning Overlay District, including the Cambridge Street District (Special Study Area No. 6), the Zoning Commission hereby recognizes the Cambridge Street Plan with respect to the north side of Cambridge Street as the general plan for the Cambridge Street North District and as the portion of the general plan for the City of Boston applicable to the Cambridge Street North District established herein. This Article is one of the means of implementing the Cambridge Street Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 47A-3. Physical Boundaries. The provisions of this Article are applicable only in the Cambridge Street North District. The boundaries of the Cambridge Street North District are as shown on a map entitled, "Map 1K Cambridge Street North District (supplemental to 'Map 1 Boston Proper')," of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 47A-4. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the Cambridge Street North District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Exceptions to the provisions of this Article, pursuant to Article 6A, shall not be available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27D to the Cambridge Street North District is rescinded on the effective date of this Article, except as provided below. Where conflicts exist between this Article and the remainder of this Code, the provisions of this Article shall govern. For the Cambridge Street North District, except where specifically indicated in this Article, the provisions of this Article supersede Article 8 (except Section 8-6), Article 13 (except Section 13-3), and Articles 14 through 23 of this Code. The following Proposed Projects are exempt from the provisions of this Article and are governed by the rest of this Code, including Article 27D.

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article and for which no Zoning Relief is required.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, provided that such Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.

SECTION 47A-5. Establishment of Protection Areas, Restricted Growth Areas, and Medium Density Area.

1. Protection Areas. This Section 47A-5.1 establishes two Protection Areas within the Cambridge Street North District. The two Protection Areas are established in order to protect the existing scale of buildings within the Protection Areas so as to minimize contrasts of scale with the smaller buildings on the south side of Cambridge Street, encourage greater visual definition of Cambridge Street, and preserve a scale of development compatible with the concentration of the historic buildings within the Protection Areas. The two Protection Areas are designated on Map 1K of this Code and are identified below. Any other provision of this Article or Code notwithstanding, Proposed Projects within a Protection Area are limited to the building height and Floor Area Ratio (FAR) specified for such Protection Area, as follows:
 - (a) Cambridge Street North Side Protection Area. Within that portion of the Cambridge Street North District depicted on Map 1K of this Code as the "Cambridge Street North Side Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed; provided that a maximum FAR of five (5) shall be allowed if (i) the Proposed Project includes, on its ground level, any of the Ground Level Uses listed in Appendix A to this Article, and access to such uses may be had directly from Cambridge Street, with or without a ramp or stairs, but without entering a lobby, and (ii) the Proposed Project is subject to or has elected to comply with the provisions of Article 31 (Development Review Requirements) and the Boston Redevelopment Authority has certified that the Proposed Project complies with Article 31.
 - (b) Charles Street Jail South Protection Area. Within that portion of the Cambridge Street North District depicted on Map 1K of this Code as the "Charles Street Jail South Protection Area," a maximum building height of one hundred twenty-five (125) feet and a maximum FAR of five (5) are allowed.
2. Restricted Growth Areas. This Section 47A-5.2 establishes two Restricted Growth Areas within the Cambridge Street North District in order to protect existing moderately scaled development:
 - (a) Blossom Street Restricted Growth Area. Within that portion of the Cambridge Street North District depicted on Map 1K of this Code as the "Blossom Street Restricted Growth Area," a maximum building height of eighty (80) feet and a maximum FAR of six (6) are allowed.

- (b) North Grove Street Restricted Growth Area. Within that portion of the Cambridge Street North District depicted on Map 1K of this Code as the "North Grove Street Restricted Growth Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.

Notwithstanding any contrary provision of this Section 47A-5.2, a maximum building height of one hundred (100) feet and a maximum FAR of seven (7) shall be allowed within the Blossom Street Restricted Growth Area and the North Grove Street Restricted Growth Area if a Proposed Project is subject to or has elected to comply with the provisions of Article 31 (Development Review Requirements) and the Boston Redevelopment Authority has certified that the Proposed Project complies with Article 31.

3. Medium Density Area. This Section 47A-5.3 establishes one Medium Density Area within the Cambridge Street North District. The Medium Density Area is designated on Map 1K of this Code as the "Charles Street Jail North Medium Density Area." Within the area so designated, a maximum building height of one hundred twenty-five (125) feet and a maximum FAR of five (5) are allowed; provided that a maximum building height of one hundred fifty-five (155) feet is allowed if a Proposed Project is subject to or has elected to comply with the provisions of Article 31 (Development Review Requirements) and the Boston Redevelopment Authority has certified that the Proposed Project complies with Article 31.

SECTION 47A-6. Establishment of Areas Within Which Planned Development Areas May be Permitted. Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted throughout the Cambridge Street North District except in that portion of the Cambridge Street North Side Protection Area located east of the Blossom Street Restricted Growth Area and east of the westerly boundary of the property at 151 Cambridge Street (West End Branch of Boston Public Library). The purposes for establishing these areas as areas in which a PDA may be permitted are to establish a more flexible zoning law; to allow for the diversification and expansion of Boston's economy through the expansion of state-of-the-art medical and scientific research and treatment facilities, while ensuring public benefits and quality urban design by providing planning and design controls; and to encourage development that knits together the surrounding neighborhoods through a new urban design for the area.

1. Consistency with Section 3-1A. Any application for Development Plan approval for a Proposed Project within the areas of the Cambridge Street North District where PDAs are permitted is subject to the provisions of Subsection 3-1A.a and this Section 47A-6 through Section 47A-9.

2. Applicability of Future Amendments. The issuance of any permit for the development or construction of any portion of a Proposed Project described in the approved Development Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the proviso of said Section 5 that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved Development Plan.
3. Applicability of Design Guidelines. Any application for Development Plan approval for a Proposed Project within the area of the Cambridge Street - North Side Protection Area where PDAs are permitted is subject to the provisions of Section 47A-10.
4. Amendment of Development Plan. In a PDA, no Proposed Project shall proceed unless the Boston Redevelopment Authority has certified to the Commissioner of Inspectional Services that the Proposed Project is consistent with the approved Development Plan for such PDA or the portion thereof to which said work relates. The procedure for amendment of the Development Plan is the same procedure as the procedure for initial approval of a Development Plan, as set forth in Section 3-1A.a and Section 47A-6.1. A Proposed Project for the reconstruction of a structure in existence in a PDA as of the date of Development Plan approval and described in said Development Plan, or of a structure constructed pursuant to said Development Plan, shall be determined by the Boston Redevelopment Authority to be consistent with said Development Plan, provided that said reconstruction is substantially similar to the original structure. Said reconstruction, unless described as part of the original Proposed Project in said Development Plan, shall constitute a separate Proposed Project for all purposes hereunder.
5. Zoning Commission Approval Only; No Board of Appeal Action Required. Upon approval of the Development Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Development Plan to the Zoning Commission for its consideration. After transmittal of the Development Plan by the Boston Redevelopment Authority to the Zoning Commission, the Zoning Commission may approve the Development Plan and establish a PDA if such PDA consists solely of land with respect to which an agreement has been or is subsequently entered into with the Boston Redevelopment Authority establishing use and dimensional controls as specified in the Development Plan. The Proposed Project and the parcels or Lots and improvements thereon, which are the subject of the Development Plan, shall be deemed to be in compliance with

the provisions of this Article and Code, so long as the same are consistent with the provisions of the approved Development Plan and other applicable provisions of the Code. Nothing in this Article shall be construed to limit the power of the Board of Appeal to grant Zoning Relief for Proposed Projects in PDAs, except that exceptions from the building height and FAR provisions set forth in Section 47A-7 are not permitted.

SECTION 47A-7. Planned Development Area; Use and Dimensional Regulations. The land use and dimensional regulations for a PDA are established by this Section 47A-7.

1. Use Regulations. Proposed Projects within a PDA are subject to the use regulations set forth in Section 47A-12, except to the extent those regulations are expressly modified by an approved Development Plan and except that those institutional uses, accessory uses, and ancillary uses specified as conditional in paragraphs (g), (h), (k), (l), and (m) of Section 47A-12.4 shall be allowed as a matter of right, subject to the provisions of the applicable approved Development Plan, and the provisions of Section 47A-12.1, concerning Ground Level Uses, shall not apply.
2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the building height and FAR for such Proposed Project shall not exceed the limits set forth in Table A. For the purposes of this Section 47A-7.2, FAR shall be computed as though the land within a PDA were in single ownership, notwithstanding actual ownership patterns or changes in ownership occurring after the approval of a Development Plan for the PDA.

TABLE A

**Dimensional Regulations
Planned Development Areas
Cambridge Street North District**

| | <u>Maximum Building Height</u> | <u>Maximum FAR</u> |
|---|------------------------------------|------------------------|
| Charles Street Jail South Protection Area | 125 feet | 5 |
| Charles Street Jail North Medium Density Area | 155 feet | 5 |
| North Grove Street Restricted Growth Area | 100 feet | 7 |
| Blossom Street Restricted Growth Area | 100 feet | 7 |
| Cambridge Street North Side Protection Area: portion west of property at 151 Cambridge Street (West End Branch of Boston Public Library) | 65 feet | 5 |

SECTION 47A-8. Planned Development Area; Standards for Development Plan Approval. Before transmittal to the Zoning Commission, a Development Plan shall have been approved by the Boston Redevelopment Authority after a public hearing; provided, however, that a Development Plan shall not be approved by the Boston Redevelopment Authority unless the Boston Redevelopment Authority finds that: (a) such Development Plan is in conformity with the provisions of this Article; (b) such Development Plan is consistent with the Cambridge Street District Plan and the general plan for the city as a whole; (c) each Proposed Project described in the Development Plan is in accordance with the building height and FAR standards set forth in Section 47A-7 and all other applicable provisions of this Article; and (d) on balance, nothing in such Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens including, without limitation, those factors identified in Section 47A-9.

SECTION 47A-9. Planned Development Area; Public Benefit Criteria. The Boston Redevelopment Authority may approve a Development Plan as meeting the provisions of Section 47A-8 if the Development Plan proposes a plan for public benefits including one or more of the following: (a) the creation or retention of job opportunities and neighborhood economic development opportunities, in accordance with the provisions of Section 47A-9.1, below; (b) the diversification and expansion of Boston's economy in areas of economic activity that promote the development of state-of-the-art medical facilities, including facilities for treatment, diagnosis, and research and development of new technology for these purposes, in accordance with the provisions of Section 47A-9.2, below; or (c) the provision of substantial street improvements in accordance with the provisions of Section 47A-9.3, below. Where a Development Plan includes a Proposed Project, or any part thereof, within the Cambridge Street North Side Protection Area, the Boston Redevelopment Authority also shall consider the design guidelines set forth in Section 47A-10.2 for such Protection Area in reviewing such portions of the Development Plan.

1. Development Plan Approval for the Creation of New Job Opportunities. The Boston Redevelopment Authority may approve a Development Plan proposing creation of new job opportunities if it determines that: (a) employment positions in the Proposed Project are newly created in the Cambridge Street North District, or (b) the Development Plan provides for facilitating community access to job opportunities created by the Proposed Project.
2. Development Plan Approval for Diversification and Expansion of Boston's Economy. The Boston Redevelopment Authority may approve a Development Plan proposing diversification and expansion of Boston's economy if at least twenty percent (20%) of the gross floor area of the Proposed Project is dedicated to or supportive of uses such as, but not limited to, the following: (a) health care services, including hospital uses, clinics, and medical, dental, or similar professional offices and related diagnostic and treatment facilities; (b) research, development, and production of pharmaceutical and biomedical products; (c) the design, development, fabricating, and testing of instruments for medical, dental, scientific, optical, engineering, or other similar professional use; or (d) other scientific research and development uses, including laboratories and facilities for theoretical, basic, and applied research, product development and testing, prototype fabrication, or production of experimental products. Examples of uses which shall be considered "supportive of" the uses enumerated in subparagraphs (a), (b), (c), and (d) above include, but are not limited to: office space occupied by private entities engaged in such uses or occupied by governmental entities regulating such uses; hotel, conference, or convention facilities; and educational facilities providing instruction in fields related to such uses.

3. Development Plan Approval for the Provision of Street Improvements. The Boston Redevelopment Authority may approve a Development Plan providing, either directly or through funding, for substantial street improvements to streets adjacent to and in the vicinity of the PDA. Such street improvements must be consistent with any applicable street improvement regulations or guidelines and must be sufficient, as determined by the Boston Redevelopment Authority, to improve the appearance, condition, quality of design and materials, and accessibility and useability of the affected streets by pedestrians, taking into account increased vehicular and pedestrian flows.

SECTION 47A-10. Design Guidelines for Cambridge Street North Side Protection Area. Within the Cambridge Street North Side Protection Area, any Proposed Project for the erection of a new building, or for the addition or extension to an existing building, shall proceed only if the Boston Redevelopment Authority finds that the Proposed Project is generally consistent with the applicable design guidelines specified in this Section 47A-10. The provisions of Article 6A shall be applicable to the provisions of this Section 47A-10.

1. Procedure for Approval of Proposed Project. Each application for a permit for a Proposed Project subject to the provisions of this Section 47A-10 shall be filed in duplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copy to the Boston Redevelopment Authority. Within five (5) days after the Boston Redevelopment Authority receives a copy of such permit application from the Inspectional Services Department, the Boston Redevelopment Authority shall publish notice of receipt of such permit application and shall make copies of such permit application available to the public. Any public comments on whether such Proposed Project is generally consistent with the applicable design guidelines set forth in this Section shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days of such notice. The Boston Redevelopment Authority may find that the Proposed Project is generally consistent with the applicable design guidelines set forth in this Section or is not consistent with said guidelines, provided that such findings shall be transmitted to the Inspectional Services Department within sixty (60) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project. Failure by the Boston Redevelopment Authority to transmit such findings to the Inspectional Services Department within the time required by this Section 47A-10 shall not be deemed a finding that the Proposed Project is or is not consistent with the guidelines set forth in this Section 47A-10. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this section may appeal to the Board of Appeal within forty-five (45) days after such denial for a permit, in accordance with the provisions of Article 6A.

2. Design Guidelines. In reviewing a Proposed Project within the Cambridge Street North Side Protection Area, the Boston Redevelopment Authority shall consider the design guidelines set forth in this Section 47A-10.2. The provisions of this Section 47A-10.2 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission with design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.
- (a) Historic Buildings and Buildings which Contribute to the Architectural Significance of the Cambridge Street North Side Protection Area. The Cambridge Street North Side Protection Area contains many buildings and portions of buildings that have historic interest and make important contributions to the architectural character of the Protection Area. These buildings and portions of buildings are listed in Appendix C hereto. Such buildings and portions of buildings should be renovated rather than replaced. Accordingly, the existing facades of such buildings and portions of buildings should be retained and restored, and in the event that the restoration of a facade is not practicable, any replacement facade should replicate the essential architectural characteristics and elements of the original facade.
 - (b) Street Walls. To give greater visual definition to Cambridge Street, the construction of infill buildings on vacant lots, and the addition to or replacement of existing structures whose Street Walls are lower than the maximum Street Wall height allowed by Section 47A-11.2, should be encouraged.
 - (c) Windows. In Street Walls facing Cambridge Street, large, undifferentiated panes of glass generally are not appropriate. Accordingly, windows in such Street Walls should be set in from the face of the building and accented by lintels and sills. In such Street Walls, new masonry window openings should not be introduced where they did not previously exist. Replacement windows in such Street Walls should replicate the essential architectural characteristics of the ones being replaced, including the vertical orientation, dimensions, colors, and details of frame and sash elements.
 - (d) Storefront Details. Details of storefronts in Street Walls facing Cambridge Street should be designed as integral parts of the building and not as unrelated objects attached to the building. Details of storefronts in such Street Walls should be compatible with those of other buildings on the north side of Cambridge Street in order to reinforce the rhythm of storefronts along the street. Where original details of existing storefronts in such Street Walls have been covered,

damaged, or removed, efforts to restore them or otherwise to restore such storefronts to their original character should be encouraged where practicable. New storefronts in such Street Walls should include display windows and recessed entries. Flush-mounted signs and simple fabric awnings generally are appropriate for such storefronts.

- (e) Building Entrances. In buildings having a Street Wall facing Cambridge Street, the principal building entrance should be oriented toward Cambridge Street so that pedestrian activity is focused along the street.
- (f) Rooftop Mechanical Equipment. Rooftop mechanical units should be located so as to minimize impacts upon neighboring buildings and on Cambridge Street. Such units should either be acoustically and visually screened so as not to be visible or audible from a public way within the Cambridge Street North District, or be concealed within shallow-hipped or gable-shaped roofs compatible with the rest of the Proposed Project and its neighboring buildings. Those portions of rooftop mechanical units that are visible from a public way within the Cambridge Street North District should be constructed using traditional materials compatible with the rest of the Proposed Project and its neighboring buildings, such as slate shingles and copper gutters.
- (g) Streetscape and Landscape. Streetscape elements should lend human scale, texture, and interest to the area. These elements may include front lawns at historic buildings, wrought-iron fences on masonry bases, street trees, brick sidewalks, and acorn-style street lights.
- (h) Views and Vistas. New development, rehabilitation, and streetscape improvements should enhance views of the Boston skyline, the Charles River and Esplanade, and prominent buildings such as the Old West Church, the Bulfinch Building at Massachusetts General Hospital, the Charles Street Jail, Boston City Hall, the Custom House, and the State House.
- (i) Block Pattern. To help define the visual image of Cambridge Street, the elements of Proposed Projects in the Cambridge Street North Side Protection Area should relate in scale to the buildings on the south side of Cambridge Street. Accordingly, Proposed Projects should provide for appropriate breaks in Street Walls and building mass, and, where practicable, the creation of new streets or

pedestrianways that continue the alignment of Beacon Hill streets and give access from Beacon Hill to areas north of Cambridge Street.

- (j) Building Materials. Primary building materials for Street Walls facing Cambridge Street should be masonry, including brick, limestone, sandstone, and granite. When used for such Street Walls, materials such as architectural precast concrete should be empathetic in surface texture and color with the exterior building materials used on the south side of Cambridge Street.

SECTION 47A-11. Specific Design Requirements. Except as otherwise expressly provided in this Article or Code, all Proposed Projects within the Cambridge Street North District shall comply with the applicable design requirements established in this Section. The provisions of Article 6A shall be applicable to the provisions of this Section.

1. Street Wall Continuity. In any Proposed Project for the erection of a new structure, or for the extension of a structure, where such extension changes the location of a Street Wall facing a public street, each Street Wall newly constructed or relocated shall comply with the following dimensional requirements.
 - (a) Projects Subject to Article 31 Development Review. If the Proposed Project is subject to or elects to comply with the development review provisions of Article 31, appropriate locations for such Street Walls shall be determined in the development review process.
 - (b) Projects Not Subject to Article 31 Development Review. If the Proposed Project is not subject to the development review provisions of Article 31, pursuant to Section 31-4 or by election, each such Street Wall shall be built to be coextensive with the building line, as defined in Clause (7A) of Section 2-1. Notwithstanding the foregoing, small variations in the Street Wall plane, such as bays and recesses, are allowed where appropriate.
2. Street Wall Height. The height of the Street Wall of a Proposed Project shall not exceed sixty-five (65) feet.
3. Setback Requirements. Every portion of a Proposed Project (including, but not limited to, mechanical equipment) that extends above the Street Wall height shall be set back by not less than sixty-five (65) feet from the Street Wall.

SECTION 47A-12. Use Regulations. In the Cambridge Street North District, the use of land and structures is hereby regulated as provided in this Section 47A-12. The provisions of Article 8, except Section 8-6, apply only as specified in this Section 47A-12. No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the provisions of this Section 47A-12.

1. Ground Level Uses. Within any portion of a Proposed Project that has street frontage on Cambridge Street located on the ground level or entered by a ramp or stairs from a sidewalk entry, allowed uses are limited to Ground Level Uses, as listed in Appendix A to this Article. In such portions of Proposed Projects, all other uses that are allowed by this Section 47A-12 are conditional uses.
2. Inclusion of Day Care Facilities. The provisions of this Section 47A-12.2 apply only to Proposed Projects which exceed a building height of sixty-five (65) feet, or an FAR of four (4), or both. Any Proposed Project having a gross floor area (not including the floor area devoted to Residential Uses, Cultural Uses or Community Uses as these uses are described in Sections 47A-12.3 and 47A-12.4) that equals or exceeds one hundred fifty thousand (150,000) square feet shall devote to day care facilities an amount of floor area equal to at least the amount listed below in Table B of this Article. For the purposes of this Section 47A-12.2 and Table B only, floor area devoted exclusively to restaurant, hotel, local retail, or general retail uses and uses accessory thereto shall be multiplied by 0.2 before being used in the calculation of required day care facilities. An Applicant for a Proposed Project subject to the provisions of this Section 47A-12.2 may fulfill its obligations by (a) creating such facilities on site; or (b) creating such facilities, or causing such facilities to be created, in the vicinity of the Proposed Project, within the Cambridge Street North District, or within any portion of a Land Assembly and Redevelopment Plan Area or Planned Development Area if at least a portion of such Land Assembly and Redevelopment Plan Area or Planned Development Area is located within the Cambridge Street North District. Any Proposed Project subject to the provisions of this Section 47A-12.2 shall devote to on-site day care facilities an amount of floor area equal to at least four thousand (4,000) square feet, or the minimum required square footage, whichever is less. The provision of day care facilities in accordance with this Section 47A-12.2 shall be in conformity with any written regulations adopted by the Boston Redevelopment Authority after public notice and hearing. For the purposes of this Section 47A-12.2, the term "day care facilities" includes the finish, furnishings, and equipment required for use of the floor area for such facilities, to enroll people for care, instruction, or recreation during regular business hours.

TABLE B

Provision of Day Care Facilities

| <u>Size of Proposed Project (Gross Square Feet)</u> | <u>Minimum Day Care Facilities (Gross Square Feet)</u> |
|---|--|
| 150,000 up to 200,000 | 2% of gross floor area |
| 200,000 up to 500,000 | 4,000 |
| 500,000 up to 1,000,000 | 8,000 |
| more than 1,000,000 | 12,000 |

3. Allowed Uses. No land or structure in the Cambridge Street North District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use not specified (a) in this Section 47A-12.3, (b) in an approved Development Plan for land and structures in a PDA, or (c) in Section 47A-12.4 subject to the provisions of Article 6. Any use specified in this Section 47A-12.3 shall be allowed as a matter of right, subject only to the provisions of this Section 47A-12 or, in the case of a PDA, the approved Development Plan; provided that all uses specified in this Section 47A-12.3 are conditional when accessory or ancillary to an institutional use that is subject to the provisions of Section 47A-12.4.
- (a) Residential Uses. Limited to multifamily dwelling; row house; artists' live/work space; apartment house; group residence, limited; lodging house; boarding house. Residential uses include any affordable dwelling units, including but not limited to rental units, condominiums, and limited equity share cooperatives.
 - (b) Entertainment and Cultural Uses. Limited to art gallery; museum; cultural or historical exhibition; music rehearsal studio; artist's studio or work space.
 - (c) Restaurant Uses. Limited to lunchroom, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, provided that such use is conditional if alcoholic beverages are served; and provided that uses described in Use Item No. 38A of Section 8-7 are forbidden.
 - (d) Office Uses. Limited to business or professional office; offices of community service organizations, medical or dental office; clinic; real estate, insurance, or other agency or government office; office building, post office; bank (including automatic teller machines but not including drive-in bank) or similar establishment.

- (e) Hotel Uses.
- (f) Educational Uses. Limited to nursery school, kindergarten, elementary school, or secondary school.
- (g) Community Uses. Limited to adult education center, community center, settlement house; day care center; family care center, community health center or clinic.
- (h) Recreational Uses. Limited to private grounds for games and sports; other social, recreational, or sports center whether or not conducted for profit; or private club operated for members only.
- (i) Public Service Uses. Limited to police station, fire station, public service pumping station, substation, or automatic telephone exchange, subject to St. 1956, c. 665, s. 2.
- (j) Service and Trade Uses. Limited to video or film production studio; barber shop; beauty shop; shoe repair shop; tailor shop; pick-up and delivery station of laundry or dry-cleaner; self-service laundry, hand laundry, or dry-cleaning shop, provided that in laundries and cleaning establishments only nonflammable solvents are used for cleaning; framer's studio; caterer's establishment; photographer's studio; printing plant; taxidermist's shop; upholsterer's shop; carpenter's shop; electrician's shop; plumber's shop; radio and television repair shop; key and lock shop; express mail operation; ticket outlet; animal hospital or clinic; or other similar service or trade use.
- (k) Local Retail Uses. Limited to store primarily serving the local retail business or service needs of the neighborhood including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, drugs, tobacco products, clothing, dry goods, books, flowers, paint and other artists' supplies, hardware and other minor household appliances, furniture, and photographic equipment; provided that if the hours during which such establishment is open to the public begin before 6 A.M., or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store, or if alcoholic beverages are sold, such uses are conditional; and provided that the uses described in Use Item No. 34A of Section 8-7 are forbidden.
- (l) General Retail Uses. Limited to department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage; provided that if the hours during which such establishment is

open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store, or if alcoholic beverages are sold, such uses are conditional; and provided that the uses described in Use Item No. 34A of Section 8-7 are forbidden.

- (m) Ground Level Uses. Uses specified in Appendix A hereto.
 - (n) Institutional Uses. Limited to place of worship, monastery, convent, or parish house; library; elder care facility, orphanage or similar institution not for correctional purposes and not providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons.
 - (o) Accessory Uses. Subject to the limitations and restrictions of Article 10, limited to: (i) a garage or parking space for occupants, employees, students, and visitors, provided that such use is accessory to a residential or hotel use allowed pursuant to Section 47A-12.3; (ii) accessory swimming pool, health club, tennis court; (iii) sale over the counter, wholly incidental to a restaurant or hotel use listed under Section 47A-12.3, of food or drink prepared on premises for off-premises consumption; (iv) the storage of flammable liquids and gases incidental to a lawful use; (v) the manufacture, assembly, or packaging of products sold on the same lot as the main use; (vi) the maintenance and operation of not more than four amusement game machines in a private club, dormitory, fraternity, or sorority house, or similar noncommercial establishment, or in any commercial establishment; (vii) any use ancillary to, and ordinarily incident to, a lawful main use, provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is accessory.
4. Conditional Uses. No land or structure in the Cambridge Street North District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use subject to the provisions of Article 6 unless such use is specified in this Section 47A-12.4. The granting of a permit for any use so specified may be authorized conditionally by the Board of Appeal acting under the provisions of Article 6, subject to the provisions of this Section 47A-12, or may be allowed by the Zoning Commission in its approval of a Development Plan for a PDA. The continued right to a conditional use is dependent upon maintaining the character and extent of operations and structures.
- (a) Residential Uses. Limited to temporary dwelling structure; and any dwelling converted for more families, where such structure, after

conversion, is nonconforming with respect to any applicable provision of this Article or Code, provided that, after conversion, any nonconformity as to floor area ratio is no greater than prior to conversion.

- (b) Entertainment and Cultural Uses. Limited to concert hall; theater, commercial or nonprofit (including motion picture or video theater, but not drive-in theater, subject to the provisions of Section 47A-12.5); performance space.
- (c) Restaurant Uses. Lunch room, restaurant, or cafeteria or other place for the service or sale of food or drink for on-premises consumption if alcoholic beverages are sold. Take-out restaurant: sale over the counter, not wholly incidental to a use specifically allowed under Section 47A-12.3, of food or drink prepared on premises for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out.
- (d) Recreational Uses. The maintenance and operation of more than four (4) amusement game machines in a private club, dormitory, fraternity or sorority home, or similar noncommercial establishment, or any commercial establishment.
- (e) Local Retail Uses. Those uses specified in Section 47A-12.3(k) if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store, or if alcoholic beverages are sold.
- (f) General Retail Uses. Those uses specified in Section 47A-12.3(l) if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store, or if alcoholic beverages are sold.
- (g) Institutional Uses. College or university granting degrees by authority of the Commonwealth; fraternity or sorority house or dormitory; trade, professional, or other school; hospital, sanatorium, library accessory to an institutional use not allowed pursuant to paragraph (n) of Section 47A-12.3; research laboratory accessory to an institutional use not allowed pursuant to paragraph (n) of Section 47A-12.3, provided that such laboratory use shall comply with all applicable guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals; penal or correctional institution; detention home; machine shop or other noisy

activity accessory to a school, college, or university, provided that such use is adequately sound-insulated to protect the neighborhood from unnecessary noise; elder care facility, orphanage, or similar institution not for correctional purposes providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons.

- (h) Parking Uses. Parking lot or parking garage.
- (i) Vehicular Uses. Repair garage, gasoline service station; car wash, provided that all washing, painting, lubricating, and making of repairs is carried on inside a building and that any auto body shop, car wash, repair shop, or paint shop is sufficiently sound-insulated to confine all noise to the lot and that all flashing, fumes, gases, smoke, and vapor are effectively confined to the lot; and further provided that there is no outside storage of damaged, disabled, or unregistered motor vehicles for a period of more than one month.
- (j) Service and Trade Uses. Funeral home; undertaker's establishment; or mortuary.
- (k) Changes of Use. Any change of use from a residential use to a non-residential use.
- (l) Accessory Uses. Subject to the limitations and restrictions of Article 10, limited to (i) a garage or parking space for occupants, employees, customers, students, and visitors, where such use is not accessory to a residential or hotel use allowed pursuant to Section 47A-12.3; (ii) car wash, valet service, or automobile repair service accessory to a parking garage and contained entirely within said parking garage; (iii) the keeping of laboratory animals, other than household pets, provided that every enclosure is sufficient to prevent a nuisance to any adjacent residences or eleemosynary institutions, that all resulting noise, dust, fumes, gases, odors, and refuse are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to public health or safety, and that such use shall comply with all applicable guidelines and standards promulgated by the National Institutes of Health for the care and use of laboratory animals; (iv) clinical or professional offices accessory to a hospital or sanatorium whether or not on the same lot.
- (m) Ancillary Uses. Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and for which it would be a lawful accessory use if it were on the same lot; provided that any such use shall be subject to the same

restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

5. **Forbidden Uses.** No land or structure in the Cambridge Street North District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use specified in Section 8-7 if such use is not specified in Section 47A-12.3 or 47A-12.4 as an allowed or conditional use, provided that nonconforming uses may be continued subject to the provisions of Article 9. Without limitation, uses described in Use Items No. 34A and No. 38A of Section 8-7 are forbidden.

SECTION 47A-13. Off-Street Parking Not Required. Within the Cambridge Street North District, off-street parking facilities are not required in any Proposed Project. The provisions of Sections 23-8, 23-9, and 23-10 shall govern any Proposed Project for which off-street parking is provided.

SECTION 47A-14. Off-Street Loading. Off-street loading facilities must be located so as to be accessed from Fruit Street, Parkman Street, North Grove Street, North Anderson Street, or Blossom Street. The provision and design of off-street loading facilities for the use of any structure or land not subject to the provisions of Article 31 (Development Review Requirements) shall be subject to the provisions of Article 24. The provision and design of off-street loading facilities for the use of any structure or land which is subject to the provisions of Article 31, and any appropriate mitigation measures, shall be determined through the development review process established by Article 31.

SECTION 47A-15. Regulations. The Boston Redevelopment Authority may promulgate and amend from time to time regulations to administer this Article.

SECTION 47A-16. Severability. The provisions of this Article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 47A-17. Definitions. Words and phrases defined in Appendix B to this Article shall have the meanings set forth therein.

SECTION 47A-18. Appendices. The following appendices are incorporated herein:

Appendix A - Ground Level Uses

Appendix B - Definitions

Appendix C - Historic Buildings and Buildings that Contribute to the Architectural Significance of the District

APPENDIX A to ARTICLE 47A

Ground Level Uses

The following uses are Ground Level Uses and are allowed uses within the Cambridge Street North District, provided that uses described in Use Items No. 34A and No. 38A of Section 8-7 are forbidden. This list is intended to be illustrative of Ground Level Uses.

- Antique stores
- Appliances, repair shops
- Appliances, sales
- Artists' supply and music stores
- Athletic goods stores
- Automatic teller machines
- Bakeries or pastry shops
- Bank branch offices
- Barber shops
- Beauty parlors
- Bicycle stores, rental or repair
- Book stores or card stores
- Cafes
- Candy stores
- Carpet, rugs, linoleum, or other floor covering stores
- Churches
- Cigar stores
- Clock or watch stores or repair shops
- Clothing retail establishments
- Clothing stores (men's, women's, children's apparel)
- Coffee shops
- Coin stores
- Community centers
- Day care centers
- Delicatessen stores
- Department stores
- Diners
- Dressmaking shops, custom
- Drug stores
- Dry cleaning establishments or laundromats
- Dry goods or fabric stores
- Eating or drinking places, in accordance with the provisions of Sections 47A-12.3(c) and 47A-12.4(c).

APPENDIX A to ARTICLE 47A (continued)

Fabric or yarn stores

Fire stations

Fishing tackle or equipment stores, or rental establishments

Florist shops

Food stores, including supermarkets, produce and grocery stores, markets, health foods, delicatessens, prepared food/special food, spices and herbs, coffees, teas, meat, fish, poultry, and cheese stores, in accordance with the provisions of Sections 47A-12.3(k), 47A-12.3(l), 47A-12.4(e), and 47A-12.4(f).

Furniture stores

Furrier shops, custom

Gift shops

Hair products for headwear

Hardware stores

Historical exhibits

Hobby shops

Housewares

Household appliance repair shops

Ice cream stores

Interior decorating establishments

Jewelry shops

Kitchenware

Lamp shops

Leather goods or luggage stores

Libraries

Lobby space for offices or residences

Locksmith shops

Luggage stores

Millinery shops

Newsstands, enclosed

Office or business machine stores, sales or rental

Optician or optometrist establishments

Orthopedic stores

Paint stores

Parish houses

Parks, public or private

Party shops

Perfume shops

Pet shops

Pharmacies

Phonographic repair shops

Photographic developing or printing establishments

APPENDIX A to ARTICLE 47A (continued)

Photographic equipment stores
Photographic studios
Photographic supply stores
Photostating establishments
Picture framing stores
Police stations
Post offices
Printing establishments
Radio appliance shop, repair or sales
Record stores
Recreational centers (noncommercial)
Schools
Sewing machine stores, selling household machines
Shoe repair and shoeshine shops
Shoe stores
Sign painting shops
Sporting goods stores
Sports shop
Stamp stores
Stationery stores
Tailor shops, custom
Telegraph offices
Television repair shops
Tobacco stores
Tour operator
Toy stores
Typewriter stores
Typewriter or other small business machine repair stores
Variety or convenience stores
Video or motion picture store, sale or rentals
Wallpaper stores

APPENDIX B to ARTICLE 47A

Definitions

For the purposes of this Article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this Article, as set forth in Section 47A-4, or the authorized agent of any such person or entity.
2. "Cambridge Street Plan" means the comprehensive plan, adopted with respect to the north side of Cambridge Street by the Boston Redevelopment Authority pursuant to Chapter 652 of the Acts of 1960, Section 3 of Chapter 4 of the Ordinances of 1952, and Section 27D-18 of the Code, which sets forth the planning policies, development controls, and design guidelines for the Cambridge Street North District.
3. "Cambridge Street North District" means the area depicted on Map 1K of this Code.
4. "Ground Level Uses" means the uses listed in Appendix A to this Article.
5. "Landmark" means any building or structure designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.
6. "Proposed Project" means the demolition, erection, reconstruction, structural alteration, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases, and may include more than one building, structure, or use.
7. "Street Wall" means the exterior wall or portion of the exterior wall of a Proposed Project that faces a street on which such Proposed Project is located and that is below the Street Wall height determined pursuant to Section 47A-11.2.
8. "Zoning Relief" means any zoning variance, exception, conditional use permit, interim planning permit, zoning map or text change, or other relief granted by the Zoning Commission or the Board of Appeal.

APPENDIX C to ARTICLE 47A

Historic Buildings and Buildings that Contribute to the Architectural Significance of the District

1. Historic Buildings and Buildings with Historic Portions

Those portions of the Charles Street Jail outlined in red in Exhibit D to
"Agreement for the Acquisition of a Site for a Facility to Replace Charles
Street Jail," dated February 10, 1986.

The Old West Church - 131 Cambridge Street

The Harrison Gray Otis House - 141 Cambridge Street

The Resident Physician's House at Massachusetts General Hospital -
279 Cambridge Street

2. Buildings that Contribute to the Architectural Significance of the District

265 Cambridge Street

Text Amendment Application No. 212

Text Amendment No. 181

Richard B. Fowler

Chairman

Robert R. Mann

Vice Chairman

Robert Foudry

Alexander J. J. J. J.

Sam Bean

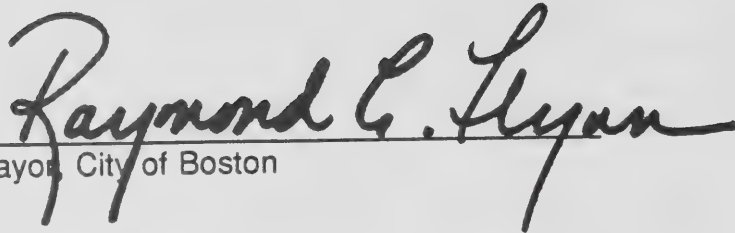
Brent L. Hays

Joan M. McLaughlin

In Zoning Commission

Adopted September 30, 1992

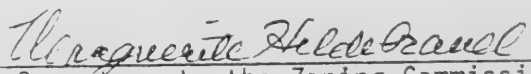
Attest: Ursula A. Hildbrand
Secretary



Mayor, City of Boston

Date: October 28, 1992

The foregoing amendment was presented to the Mayor on October 14, 1992, and was signed by him on October 28, 1992, whereupon it became effective on October 28, 1992, in accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest: 

Secretary to the Zoning Commission

Text Amendment Application No. 214
Boston Redevelopment Authority
Beth Israel Hospital Institutional District

TEXT AMENDMENT NO. 183
THE COMMONWEALTH OF MASSACHUSETTS
CITY OF BOSTON
IN ZONING COMMISSION

EFFECTIVE
November 11, 1992*

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning Code as follows:

By inserting after Article 52 the article numbers 53 through 69, all to be designated "Reserved," and by inserting after Article 69, the following article:

ARTICLE 70
BETH ISRAEL HOSPITAL INSTITUTIONAL DISTRICT

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GENERAL USE AND DIMENSIONAL REGULATIONS

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* Date of public notice: October 23, 1992 (see St. 1956, c. 665, s. 5).

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| | |
|---------------|--|
| Section 70-15 | Off-Street Parking and Loading |
| 70-16 | Nonconformity as to Dimensional Requirements |
| 70-17 | Regulations |
| 70-18 | Severability |
| 70-19 | Definitions |
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SECTION 70-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish the zoning regulations for the campuses of major institutions within the area governed by this Article. The goals and objectives of this Article are to provide for the well-planned development of institutions and to enhance their public service and economic development role in the surrounding neighborhoods; to encourage economic growth and the diversification of Boston's economy, with special emphasis on creating and retaining job opportunities; to preserve, enhance and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 70-2. Physical Boundaries. The provisions of this Article apply to: (1) land and structures located within the Beth Israel Hospital Institutional District, and (2) land and structures located outside the Beth Israel Hospital Institutional District but described in an Institutional Master Plan approved from time to time in accordance with the provisions of this Article. The land referred to in (1) and (2) above is collectively referred to as the Beth Israel Hospital Institutional Master Plan Area. The

boundaries of the Beth Israel Hospital Institutional District are as shown on the map entitled "Map 1 Boston Proper" of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 70-3. Applicability. This Article together with the rest of this Code constitute the zoning regulation for the Beth Israel Hospital Institutional District, and together with the provisions of an applicable approved Institutional Master Plan constitute the zoning regulation for the Beth Israel Hospital Institutional Master Plan Area. The zoning regulations for such District and Institutional Master Plan Area apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated to the contrary in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the land and structures referred to in Section 70-2. Proposed Projects (which term shall include Proposed Institutional Projects), however, are exempt from the provisions of this Article, and are governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

SECTION 70-4. Prohibition of Planned Development Areas. Within the Beth Israel Hospital Institutional District, no Planned Development Area shall be permitted.

GENERAL USE AND DIMENSIONAL REGULATIONS

SECTION 70-5. Use Regulations. Within the Beth Israel Hospital Institutional District, the uses identified in Table A of this Article and described in greater detail in Article 2A are allowed, conditional, or forbidden as set forth in said Table A. No land or structure in the Beth Israel Hospital Institutional District shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A as "A" (allowed) or, subject to the provisions of Article 6, the use is identified as "C" (conditional). Any use identified as "F" (forbidden) subject to the provisions of Article 7 in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden for the Beth Israel Hospital Institutional District subject to the provisions of Article 7. See Section 70-7.2 for additional provisions regulating Institutional Uses.

SECTION 70-6. Dimensional Regulations. The dimensional requirements governing lots and structures in the Beth Israel Hospital Institutional District are as set forth in Table B of this Article, except that any Proposed Project which is determined to be consistent with an applicable Institutional Master Plan, pursuant to Section 70-11, shall be deemed to be in compliance with the dimensional, parking, and loading requirements of this Code, notwithstanding any contrary provision of Table B. See Section 70-7.2 for additional provisions regulating dimensions of Proposed Institutional Projects.

REGULATIONS APPLICABLE TO INSTITUTIONAL USES

SECTION 70-7. Institutional Master Plan Requirement.

1. Applicability of Requirement. The Inspectional Services Department shall not issue a building, use, or occupancy permit for any Proposed Institutional Project for the erection, extension, or alteration of any structure or part thereof, or the change of use of any structure or land, located in the Beth Israel Hospital Institutional Master Plan Area that is (or immediately after completion will be) used or occupied for an Institutional Use, unless such Proposed Institutional Project is:
 - (a) consistent with an Institutional Master Plan, pursuant to Section 70-11; or
 - (b) for interior alterations to an existing building, provided that such Proposed Institutional Project is not located in the areas depicted on Appendix A and described in Appendix B to this Article;
 - (c) for the erection or extension of an Institutional Use, provided that such Proposed Institutional Project does not affect an aggregate gross floor area of more than twenty thousand (20,000) square feet (which area is not a phase of another Proposed Institutional Project), provided that such Proposed Institutional Project is not located in the areas depicted on Appendix A and described in Appendix B to this Article.

The proponent of a Proposed Institutional Project who has determined that such Proposed Institutional Project is exempted from the requirements of this Section 70-7, pursuant to subsection (b) or (c) above, shall notify in writing the Department of Inspectional Services and the Boston Redevelopment Authority of the basis for such determination at the time a building or use permit application is filed for such Proposed Institutional Project. Any applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 70-7 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

An applicant for an Institutional Master Plan approval, renewal, or amendment may elect, in its submission materials, to make any Proposed Institutional Project described in subsection (b) or (c) subject to the provisions of its Institutional Master Plan, in which event such Proposed Project shall be governed by the provisions of Sections 70-7 through 70-12

of this Article, notwithstanding any contrary provisions of subsection (b) or (c).

A Proposed Institutional Project located outside the Beth Israel Hospital Institutional Master Plan Area and exempted from the Institutional Master Plan requirements of this Section 70-7 pursuant to subsection (b) or (c) above, and not electively described in an Institutional Master Plan pursuant to the preceding paragraph, shall be governed by the use, dimensional, and other regulations of this Code applicable to the use category, other than an Institutional Use, that most closely describes such project.

Any Proposed Institutional Project required to be consistent with an applicable Institutional Master Plan as approved by the Zoning Commission shall be deemed to be a project for which zoning relief is required for the purposes of Articles 26, 26A, and 26B.

2. Special Provisions Applicable to Institutional Uses and to Uses Described in Institutional Master Plans. Any Institutional Use located within the Beth Israel Hospital Institutional District shall be allowed if so indicated in Table A. However, any Proposed Institutional Project that is not exempt from the Institutional Master Plan requirements of this Section 70-7, or that is exempt from such requirements pursuant to Section 70-7 but electively described in an Institutional Master Plan, must be located in a manner consistent with an applicable Institutional Master Plan if such Proposed Institutional Project is for: (i) a High Impact Subuse, as that term is defined below (other than a subuse existing as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article), or (ii) ambulatory clinical care facilities. A "High Impact Subuse" means a subuse of such Institutional Use that is identified as a High Impact Subuse in the definition of such Institutional Use set forth in Article 2A.

Notwithstanding any contrary provision of this Code, within the Beth Israel Institutional Master Plan Area, a use not otherwise allowed for its location pursuant to this Code shall be deemed allowed for all purposes under this Code if adequately described for its location in an approved Institutional Master Plan in accordance with Section 70-8(b) (Existing Property and Uses) or Section 70-8(d) (Proposed Future Projects), as the case may be, and if consistent with any applicable conditions or requirements set forth in such Institutional Master Plan, or if such use constitutes an expansion of a use described in an applicable Institutional Master Plan and also is exempt under the provisions of Section 70-7.1.

Notwithstanding any contrary provision of this Section 70-7, any Institutional Use existing within the Beth Israel Hospital Institutional District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article shall be deemed allowed for all purposes under this Code, whether or not described in an applicable Institutional Master Plan and without need for a determination of consistency with such an Institutional Master Plan pursuant to Section 70-11.

Any building or structure existing within the Beth Israel Hospital Institutional District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article shall be deemed to be in compliance, as so existing, with the dimensional, parking, and loading requirements of this Article and shall not be considered dimensionally nonconforming for the purposes of Article 9.

The dimensional, parking, and loading requirements for any Proposed Institutional Project that is subject to the provisions of Section 70-7 through Section 70-12, and not exempt therefrom by the provisions of Section 70-7, shall be determined by the provisions of the applicable Institutional Master Plan, notwithstanding any contrary provision of this Code.

SECTION 70-8. Content of Institutional Master Plans. An Institutional Master Plan shall include the elements described in this Section 70-8 to provide a basis for evaluating, for city planning purposes, the impact on the surrounding neighborhoods of the Institution's current and future projects. The Institutional Master Plan shall project its proposed development plan at least eight (8) years into the future, commencing from the date of submission of the Institutional Master Plan, and shall include within the Plan all currently planned Proposed Institutional Projects within the Beth Israel Hospital Institutional District that are not exempt under Section 70-7 and any projects outside of such District that are electively included in the Institutional Master Plan. In addition, the Plan shall set out and define the longer term goals of the Institution, a minimum of ten (10) years into the future. These goals should address the broad direction to be taken by the Institution with regard to its growth and services. An Institutional Master Plan prepared pursuant to this Article shall cover the current and proposed properties, uses, and activities of the Institution within the Beth Israel Hospital Institutional District. Each Institutional Master Plan shall include each of the following elements, except to the extent waived by the Boston Redevelopment Authority, as determined in the Scoping Determination described in Section 70-9.2:

(a) Mission and Objectives

A statement which defines the organizational mission and objectives of the Institution, and a description of how all development contemplated or defined by the Institutional Master Plan advances the

goals and objectives of the Institution. The statement should describe the population to be served by the Institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to Boston residents in adjacent neighborhoods and in other areas of the City.

(b) Existing Property and Uses

A description of land, buildings, and other structures occupied by Institutional Uses of the Institution as of the date of submission of the Institutional Master Plan, with such information including, for each property, the following: (i) illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, and other significant improvements; (ii) land and building uses; (iii) building gross square footage; (iv) building height in stories and, approximately, in feet; (v) a description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility; and (vi) existing building linkage payments.

(c) Needs of the Institution

A summary and projection of the Institution's current and future needs for the following facilities: (i) academic; (ii) service; (iii) research; (iv) office; (v) housing; (vi) patient care; (vii) public assembly; (viii) parking; and other facilities related to the Institutional Use. Such needs shall be defined in relationship to the Institution's goals and objectives as previously described.

(d) Proposed Future Projects

A description of any proposed future projects of the Institution within the geographic scope of the Beth Israel Hospital Institutional District that are not exempt under Section 70-7 and any projects outside of such District that are electively included in the Institutional Master Plan and their relationship to present and future needs. The required descriptions may include:

- (i) site locations and approximate building footprints;
- (ii) uses (specifying the principal subuses of each land area, building, or structure, such as classroom, laboratory, parking facility);

- (iii) square feet of gross floor area;
 - (iv) square feet of gross floor area eliminated from existing buildings through demolition of existing facilities;
 - (v) floor area ratios;
 - (vi) building heights;
 - (vii) parking areas or facilities to be provided in connection with proposed projects;
 - (viii) any applicable urban renewal plans, land disposition agreements, or the like;
 - (ix) current zoning of sites;
 - (x) total project cost estimates;
 - (xi) estimated development impact payments;
 - (xii) approximate timetable for development of Proposed Institutional Projects, with the estimated month and year of construction start and construction completion for each.
- (e) Institutional Transportation and Parking Management and Mitigation Plan

A description of the Institution's existing transportation and parking characteristics, a description of parking to be provided over the term of the Institutional Master Plan, a projection of impacts associated with the projects proposed in the Institutional Master Plan, and a set of transportation goals and mitigation measures to address these impacts.

- (f) Pedestrian Circulation Guidelines and Objectives

A statement of guidelines and objectives for pedestrian circulation system to be provided through the campus of the Institution, including guidelines and objectives regarding the accessibility to the general public of any pedestrian areas and open spaces.

(g) Urban Design Guidelines and Objectives

A statement of urban design guidelines and objectives for new and renovated buildings to assure their compatibility with supporting neighborhoods and districts and to minimize potential adverse impacts on historic structures.

(h) Job Training Analysis

A description of the Institution's current workforce and projected future employment needs in connection with future projects and a description of current and/or proposed programs with Boston Schools and other programs to train and employ students from Boston, and particularly from neighborhoods in the vicinity of the Institution, at the requisite skill levels.

(i) Community Benefits Plan

An identification of community benefits to minimize or mitigate detrimental and adverse impacts of proposed future projects on communities and neighborhoods within which proposed future projects are located.

(j) Additional Elements

Such additional elements as the Boston Redevelopment Authority shall determine are necessary adequately to describe and to evaluate the Institution's proposed development program.

SECTION 70-9. Approval of Institutional Master Plans by the Boston Redevelopment Authority. No Institutional Master Plan shall be approved by the Boston Redevelopment Authority, except in conformity with the provisions of this Section 70-9.

1. Institutional Master Plan Notification Form. The Institution seeking an Institutional Master Plan approval shall commence the process by filing an Institutional Master Plan Notification Form (IMP NF) in writing with the Boston Redevelopment Authority. An IMP NF shall consist of those elements of an Institutional Master Plan identified in paragraphs (a) and (d) of Section 70-8, and, if the Institution is planning one or more Proposed Institutional Projects, the IMP NF also shall include summary statements of anticipated impacts of such projects in the impact areas identified in Sections 31-6 through 31-10. Within five (5) days after submission of an IMP NF to the Boston Redevelopment Authority, the Boston Redevelopment

Authority shall publish notice of such submission in one or more newspapers of general circulation in the city, such notice to state the name of the Institution and to identify the Institutional Master Plan Area, and shall make copies of the IMPNF available to the public. Within thirty (30) days of such notice, public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority.

2. Scoping Determination. After the public consultation session required by Section 70-9.7, and based on the Boston Redevelopment Authority's review of public comments and the IMPNF, the Boston Redevelopment Authority shall issue a written Scoping Determination setting forth in sufficient detail those elements set forth in Section 70-8 that are to be included in the Institutional Master Plan. Such Scoping Determination shall be issued no later than forty-five (45) days after the Institution files an IMPNF.
3. Institutional Master Plan. The Institution shall satisfy the requirements of the Scoping Determination in the preparation of an Institutional Master Plan. Within five (5) days after submission of the Institution's Institutional Master Plan to the Boston Redevelopment Authority, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the city, such notice to state the name of the Institution and to identify the Institutional Master Plan Area, and shall make copies of the Institutional Master Plan available to the public. Within sixty (60) days of such notice, public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority.
4. Adequacy Determination. After the public hearing required by Section 70-9.7, and based on the Boston Redevelopment Authority's review of public comments and the Institutional Master Plan, the Boston Redevelopment Authority shall issue a written Adequacy Determination within ninety (90) days after the submission of said Institutional Master Plan to the Boston Redevelopment Authority. In issuing an Adequacy Determination, the Boston Redevelopment Authority shall approve the Institutional Master Plan, conditionally approve the Institutional Master Plan, or disapprove it in whole or in part. If all or any part of the Institutional Master Plan is disapproved, specific reasons setting forth the areas in which the Institutional Master Plan is at variance with the requirements of the Scoping Determination or this Article shall be provided in the Adequacy Determination. An Adequacy Determination which, in whole or in part, conditionally approves or disapproves the Institutional Master Plan may require additional elements, information, studies, and mitigation measures,

provided that such requirements are within the breadth of the Scoping Determination and the provisions of this Article.

5. Revised Institutional Master Plan. If the Boston Redevelopment Authority's Adequacy Determination disapproves the Institution's Institutional Master Plan, the Institution shall revise the Institutional Master Plan prior to resubmission. The revised and resubmitted Institutional Master Plan shall be reviewed in the manner provided in, and subject to the requirements of, subsections 3 and 4 of this Section 70-9.
6. Time Extensions for Determinations. The Boston Redevelopment Authority may, by notifying the Institution in writing, extend the time period set out in this Section 70-9 for issuing a Scoping Determination if it finds that:
(a) additional time is necessary to render a determination because of the complexity of the IMPNF; or (b) additional time is necessary for the public, including public agencies, to review and comment on the IMPNF. No more than one fifteen (15) day extension of time may be exercised in connection with the issuance of a Scoping Determination.
7. Community Participation. The Institution shall provide the Boston Redevelopment Authority with a sufficient number of copies (up to fifty (50)), as requested by the Boston Redevelopment Authority, of the IMPNF, the Institutional Master Plan, and any revised Institutional Master Plan to allow for distribution to interested parties. The Boston Redevelopment Authority shall make copies of the IMPNF, the Institutional Master Plan, and any revised Institutional Master Plan available generally to the public within five (5) days after such materials have been submitted to the Boston Redevelopment Authority. Prior to issuing its Scoping Determination for the review of an Institutional Master Plan or an amendment or renewal thereof, the Boston Redevelopment Authority shall schedule a public consultation session to review the proposal and discuss potential impacts. The Boston Redevelopment Authority shall hold a public hearing prior to approving an Institutional Master Plan, or an amendment or renewal thereof, except that no public hearing shall be required for a renewal or amendment that satisfies the requirements of Section 70-12.3(a), and the Boston Redevelopment Authority may at its discretion require a public hearing for an amendment or renewal that satisfies the requirements of Section 70-12.3(b).
8. Standards for Institutional Master Plan Approval by the Boston Redevelopment Authority. An Institutional Master Plan shall be approved by the Boston Redevelopment Authority only if the Boston Redevelopment Authority finds that: (i) the Institutional Master Plan conforms to the provisions of this Article; (ii) the Institutional Master Plan conforms to the

general plan for the city as a whole; (iii) on balance, nothing in the Institutional Master Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

9. Coordination with Other Development Review.

- (a) Article 31 Development Review. In reviewing, pursuant to Article 31, a Proposed Institutional Project subject to the provisions of Section 70-7, the Boston Redevelopment Authority shall
- (i) require in its Scoping Determination under Article 31 that the Project Impact Report address the cumulative impacts associated with the Proposed Institutional Project when added to existing Institutional Uses of the Institution and other Proposed Institutional Projects identified in the Institution's Master Plan; and
 - (ii) limit its Scoping Determination under Article 31 to those issues not already satisfactorily examined in the context of the Institutional Master Plan; and
 - (iii) include in its Scoping Determination and review under Article 31, at the request of the Applicant, the Development Impact Project Plan required by the applicable provisions of Article 26, Article 26A, and Article 26B, and the issues raised thereby, if the Applicant has submitted such Development Impact Project Plan to the Boston Redevelopment Authority together with the Project Impact Report required by Article 31; and
 - (iv) limit any mitigation measures or project modifications required as a result of development review under Article 31 to those necessary to mitigate or address adverse impacts of the Proposed Project identified in the Article 31 development review process.
- (b) Development Impact Projects: Articles 26, 26A, and 26B. If requested by an Institution, the Boston Redevelopment Authority shall review any Development Impact Project Plan required by the applicable provisions of Articles 26, 26A, and 26B for a Proposed Institutional Project (i) as part of the approval, amendment, or renewal of an applicable Institutional Master Plan pursuant to Section 70-9 or (ii) as part of the development review of such Proposed Institutional Project pursuant to Article 31. Such procedure shall not limit or

modify any of the substantive or procedural requirements of said Articles.

A Development Impact Project Plan prepared pursuant to Article 26, Article 26A, or Article 26B for a Proposed Institutional Project may incorporate by reference those portions of an applicable Institutional Master Plan that are pertinent to the requirements of Section 26-2.2, 26A-2.2, or 26B-2.2, as the case may be.

- (c) Joint Institutional Projects. A Proposed Institutional Project involving the participation of more than one Institution shall be included in its entirety in the Institutional Master Plan for one of such Institutions (provided that such Institutional Master Plan discloses the identity and extent of participation of each Institution participating in such Proposed Institutional Project), or the relevant part of a Proposed Institutional Project shall be included in the Institutional Master Plan for each such Institution pursuant to this Section 70-9 (Approval of Institutional Master Plans) except to the extent otherwise exempt from such requirements pursuant to Section 70-7 (Institutional Master Plan Requirement). With respect to a Proposed Institutional Project that is included in the Institutional Master Plan for two or more Institutions, the Boston Redevelopment Authority, at the request of such Institutions, shall: (i) allow the submission of a combined IMPNF for such project incorporating all the information required from all such Institutions; (ii) provide for the required Institutional Master Plan amendments to be reviewed together, to the extent feasible, at any public meetings and public hearings required pursuant to this Section 70-9; and (iii) limit the scope of review of such Proposed Institutional Project in each Institution's Institutional Master Plan to those portions of such project that involve the participation of that Institution.
10. Appeals. An applicant aggrieved by the issuance of an Adequacy Determination by the Boston Redevelopment Authority disapproving or conditionally approving an Institutional Master Plan pursuant to this Section 70-9 or an amendment or renewal thereof pursuant to Section 70-12 may appeal to the Board of Appeal within forty-five (45) days after the issuance of such Adequacy Determination, in accordance with the provisions of Article 6. Failure by the Boston Redevelopment Authority to issue any determination required by this Section 70-9 for approving an Institutional Master Plan, or by Section 70-12 for amending or renewing an Institutional Master Plan, within the time limits set forth in Sections 70-9 or 70-12, respectively, shall constitute a decision giving rise to the remedies

set forth in Section 8 of Chapter 665 of the Acts of 1956, as amended, and in Article 6 of the Code.

SECTION 70-10. Zoning Commission Approval; Establishment of Institutional Master Plan Areas. Upon approval of the Institutional Master Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Institutional Master Plan to the Zoning Commission for its consideration. The Zoning Commission may approve the Institutional Master Plan in accordance with the procedures set forth in Section 3 of Chapter 665 of the Acts of 1956, as amended, and upon such approval establish an Institutional Master Plan Area to be governed by the Institutional Master Plan.

The Institutional Master Plan entitled "Beth Israel Hospital Master Plan 1992-2000," dated October 1992 and approved by the Boston Redevelopment Authority on September 16, 1992, and October 22, 1992, shall be deemed approved hereunder as though such Institutional Master Plan had been approved pursuant to the provisions of this Article.

The Institutional Master Plan Area shall be applicable on an overlay basis and may include non-contiguous elements within or outside the Beth Israel Hospital Institutional District. Any use or structure described in an Institutional Master Plan that is consistent with such Institutional Master Plan, as certified in accordance with Section 70-11, and that has satisfied any applicable requirements of Article 31, shall be deemed to be in compliance with the use, dimensional, parking and loading requirements of this Code, notwithstanding any provision of the underlying zoning to the contrary (including the requirements of any special purpose overlay district set forth in Section 3-1A of this Code) and without the requirement of further zoning relief.

SECTION 70-11. Consistency with an Institutional Master Plan. The Department of Inspectional Services shall not issue a building, use or occupancy permit for any Proposed Project that is subject to the provisions of Section 70-7 (and that is not exempt from such provisions by the terms thereof) for the erection, extension, or alteration of any structure or part thereof, or the change of use of any structure or land, unless the Director of the Boston Redevelopment Authority certifies that the Proposed Project is located within an Institutional Master Plan Area, is adequately described in an Applicable Institutional Master Plan, and is consistent with such Applicable Institutional Master Plan. Such certification of consistency, or a finding of inconsistency, or a finding of consistency subject to a condition or conditions, shall be issued within ninety (90) days after receipt by the Boston Redevelopment Authority of the application for a Proposed Project. Prior to making such a certification of consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit information and materials as necessary to evaluate whether the Proposed Institutional Project is consistent with the Institutional Master Plan. An Institution aggrieved by the denial of any permit by the Department

of Inspectional Services pursuant to this Section 70-11 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6. Failure by the Director of the Boston Redevelopment Authority to issue any certification or finding required by this Section 70-11 within the time limit set forth in this Section 70-11 shall constitute a decision giving rise to the remedies set forth in Section 8 of Chapter 665 of the Acts of 1956, as amended, and in Article 6 of the Code.

SECTION 70-12. Update, Renewal, and Amendment of Institutional Master Plans.

1. Annual Update. An approved Institutional Master Plan shall be updated annually, on or before the anniversary of the approval date of the Institutional Master Plan. To update its Institutional Master Plan, an Institution shall file with the Boston Redevelopment Authority a description of all projects that: (a) have been completed since the most recent annual update or Institutional Master Plan approval or renewal date, (b) are ongoing, including a description of the status and estimated timetables for completion of such projects, or (c) are scheduled to begin in the upcoming twelve (12) months, including estimated timetables for the commencement, progress, and completion of such projects. Such descriptions shall include any other information necessary to clarify the information required by items (a), (b), or (c) of this Section 70-12.1. Such annual update of an Institutional Master Plan shall not constitute an amendment or renewal of such Institutional Master Plan, and the description of a project in such annual update shall not serve to add any such project to any Applicable Institutional Master Plan without an amendment of such Institutional Master Plan pursuant to Section 70-12.3. Failure to update an Institutional Master Plan shall not affect the status under the Institutional Master Plan of then existing uses or structures, or of building, use, or occupancy permits already issued.
2. Time for Renewal or Amendment. An approved Institutional Master Plan may be renewed or amended at any time. If an Institution fails to file an IMPNF seeking renewal of an Institutional Master Plan on or before the eighth anniversary of the date of the later of (a) the Zoning Commission's approval of the original Institutional Master Plan, or (b) the most recent renewal thereof by the Zoning Commission (or by the Boston Redevelopment Authority, if no Zoning Commission review was required), or if, having made such filing, the Institution thereafter fails diligently to make the necessary filings and otherwise fulfill the requirements for renewal set forth in this Section 70-12, as determined by the Director of the Boston Redevelopment Authority, then the Director shall not issue any certificate of consistency, as described in Section 70-11, with respect to a

Proposed Institutional Project of such Institution, other than the second or subsequent phases of a Proposed Project described in an Institutional Master Plan as a Proposed Project to be conducted in phases, until such failure is remedied. For purposes of this Section 70-12.2, a Proposed Project described in an Institutional Master Plan as a Proposed Project to be conducted in phases will be deemed to have been fully commenced if the first phase of that Proposed Project is commenced prior to the date required by this Section 70-12.2 for filing an IMPNF seeking renewal of the Institutional Master Plan. Failure to renew an Institutional Master Plan prior to the expiration of such eight (8)- year period shall not affect the status under the Institutional Master Plan of then existing uses or structures or of building, use, or occupancy permits already issued as of such expiration.

Notwithstanding any contrary provision of this Section 70-12.2, an IMPNF seeking renewal of the Institutional Master Plan for Beth Israel Hospital, dated October 1992 and approved by the Boston Redevelopment Authority on September 16, 1992, and October 22, 1992, shall be filed on or before December 31, 1999.

3. Procedure for Renewal or Amendment. The procedure for renewing or amending an Institutional Master Plan shall be identical to that for the initial approval of an Institutional Master Plan except as set forth in subsections (a) through (c) of this Section 70-12.3:
 - (a) Review of Unchanged Plans. If, upon review of the IMPNF submitted in connection with such renewal or amendment, the Boston Redevelopment Authority determines that no new Proposed Institutional Projects are planned, that no changes in the Institutional Master Plan are proposed that would constitute a change in the use, dimensional, parking, or loading elements of the Institutional Master Plan (other than de minimus dimensional changes), and that no significantly greater impacts would result from continued implementation of the Institutional Master Plan than were originally projected, then the Boston Redevelopment Authority shall waive further review of the renewal or amendment application and approve the IMPNF and original Institutional Master Plan together as the renewed or amended Institutional Master Plan.
 - (b) Expedited Review of Amendments Adding Certain Small Projects. The Boston Redevelopment Authority, at the request of the Institution, shall waive the requirements of an IMPNF and Scoping Determination for approval of an amendment to or renewal of an Institutional Master Plan, where the only change in the Institutional Master Plan provided for in the proposed amendment or renewal is the inclusion of one or

more additional Proposed Projects that are not subject to the Development Review requirements of Article 31, pursuant to Section 70-13, and that satisfy all the requirements of any of (1) or (2) or (3) below, as applicable:

- (1) the Proposed Project is exempt from the Institutional Master Plan requirements of Section 70-7, and the Institution elects to make such Proposed Project subject to the provisions of its Institutional Master Plan pursuant to Section 70-7; or
- (2) the Proposed Project is not exempt from the Institutional Master Plan requirements of Section 70-7, and the Proposed Project meets all of the following requirements:
 - (i) the Proposed Project is located within an Institutional District or Subdistrict or, if the Proposed Project is for an Institutional Use (a "Proposed Institutional Project") and is located outside an Institutional District or Subdistrict, the use category, other than an Institutional Use, that most closely describes such Proposed Institutional Project is identified on the table of uses for that Institutional District or Subdistrict as an allowed use, or the Board of Appeal has granted permission, pursuant to Article 6 (Conditional Uses) or Article 7 (Variances) for such use; and
 - (ii) if the Proposed Project is a Proposed Institutional Project and is located outside an Institutional District or Subdistrict, its dimensions and parking and loading spaces meet all the requirements applicable to the use category, other than Institutional Use, that most clearly describes the Proposed Institutional Project; and
 - (iii) for an Institutional Use, such Proposed Institutional Project is not for one or more of the High Impact Subuses identified in the definition of such use in Article 2A or for ambulatory clinical care facilities; or
- (3) the Proposed Project is for the erection or extension of an Institutional Use and does not affect an aggregate gross floor area of more than fifty thousand (50,000) square feet (which area is not a phase of another Proposed Institutional Project), provided that such Proposed Project is not located in the areas depicted on Appendix A and described in Appendix B to this Article.

Notwithstanding any provisions to the contrary in Section 70-9.4, the Boston Redevelopment Authority shall issue its written Adequacy Determination under Section 70-9.4 concerning a proposed amendment to an Institutional Master Plan under this Section 70-12.3(b) within sixty (60) days after the submission of the proposed amendment to the Boston Redevelopment Authority, and public comments concerning such proposed amendment, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days after the Boston Redevelopment Authority has published notice of such submission as required by Section 70-9.3.

- (c) Limited Scope of Review for Certain Master Plan Amendments. If a proposed amendment is limited to the addition to the Institutional Master Plan of one or more Proposed Institutional Projects, review by the Boston Redevelopment Authority shall be limited to such Proposed Institutional Project(s), taking into consideration the cumulative impacts of such Proposed Institutional Project(s) together with existing uses and other Proposed Projects described in an Institutional Master Plan.

Nothing in subsection (b) or (c) of Section 70-12.3 shall affect the requirements set forth in Section 70-9.7 for full community participation in the Boston Redevelopment Authority's review of an amendment to an Institutional Master Plan, including the provisions for conducting a public hearing. An amendment or renewal pursuant to subsection (a) or (b) of Section 70-12.3 that does not add additional land to the Beth Israel Hospital Institutional Master Plan Area shall not require further approval by the Zoning Commission, and the date of the Boston Redevelopment Authority's approval of such amendment or renewal shall constitute the new approval date for such Institutional Master Plan for all purposes hereunder. For all other amendments or renewals, the new approval date for the Institutional Master Plan shall be the date of the Zoning Commission's approval of such amendment or renewal.

An Institution may make a combined amendment and renewal submission to the Boston Redevelopment Authority, in which event the scope of such submission shall include the entire Institutional Master Plan Area, and the provisions of subsection (c) of Section 70-12.3 shall not apply.

REGULATIONS GOVERNING DEVELOPMENT REVIEW AND DESIGN REVIEW

SECTION 70-13. **Applicability of Article 31 Development Review.**

1. Large Projects. Notwithstanding any provision of Section 31-4 to the contrary, the provisions of Article 31 (Development Review Requirements), other than Section 31-3, shall be applicable, except where otherwise specified in this Article, to any Proposed Project to: (a) erect a Building or Structure having a gross floor area of fifty thousand (50,000) or more square feet; or (b) enlarge a Building or Structure so as to increase its gross floor area by fifty thousand (50,000) or more square feet; or (c) establish or change the uses of a gross floor area of one hundred thousand (100,000) or more square feet; or (d) establish or change to conditional or forbidden uses the uses of a gross floor area of fifty thousand (50,000) or more square feet. A Proposed Project (which term shall include Proposed Institutional Projects), however, shall be exempt from the provisions of this Section 70-13.1 if such Project has been submitted for Article 31 development review prior to the first notice of hearing before the Zoning Commission for adoption of this Article.
2. Certain Institutional Projects for Interior Alterations. If a Proposed Institutional Project not otherwise subject to the provisions of Article 31, pursuant to Section 70-13.1: (i) involves interior alterations to an existing Building that affect a gross floor area of fifty thousand (50,000) or more square feet, and (ii) is likely to result in a significant increase in traffic volume or congestion, such Proposed Institutional Project shall comply with the Transportation Access Plan requirements of Section 31-6.
3. Certain Institutional Projects for New Construction. If a Proposed Institutional Project not otherwise subject to the provisions of Article 31, pursuant to Section 70-13.1: involves the erection or extension of a Building or Structure that results in the addition of a gross floor area of twenty thousand (20,000) or more square feet devoted to out-patient or in-patient care, such Proposed Institutional Project shall comply with the Transportation Access Plan requirements of Section 31-6.
4. Certain Projects for Residential Uses. If a Proposed Project not otherwise subject to the provisions of Article 31, pursuant to Section 70-13.1, includes (i) the construction of fifteen (15) or more Dwelling Units, or (ii) the rehabilitation or alteration of Buildings or Structures so as to result in a net increase of fifteen (15) or more Dwelling Units, such Proposed Project shall comply with the Transportation Access Plan requirements of Section 31-6.

The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project subject to the provisions of this Section 70-13 unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with the applicable provisions of Article 31, or has issued a determination that no irrevocable harm will result from construction pending completion of the Article 31 process. Proposed Projects may proceed through the provisions of Article 31 separately or in joint filings, provided the Boston Redevelopment Authority has received adequate information on all such Proposed Projects.

An applicant aggrieved by the issuance of a determination by the Boston Redevelopment Authority under Article 31 may appeal to the Board of Appeal within forty-five (45) days after the issuance of such determination, in accordance with the provisions of Article 6. Failure by the Boston Redevelopment Authority to issue a determination under Article 31 within the time limits set forth in Article 31 shall constitute a decision giving rise to the remedies set forth in Section 8 of Chapter 665 of the Acts of 1956, as amended and in Article 6 of the Code.

SECTION 70-14. Design Review.

1. Applicability of Design Review. The provisions of this Section 70-14 shall apply only to those Proposed Projects specified in this Section 70-14 that are not subject to Article 31 development review pursuant to Section 70-13.1 or by election.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority:

- (a) Projects Visible from a Public Street or Public Park. Any Proposed Project for the erection or extension of one or more Buildings or Structures, if such Proposed Project is visible from a public street or public park; and
- (b) Projects Adding 20,000 Square Feet of Floor Area. Any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate gross floor area of twenty thousand (20,000) or more square feet.

The provisions of this Section 70-14 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project that is subject to the provisions of this Section 70-14 unless the Director of the Boston Redevelopment Authority certifies that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

2. Design Approval Procedure and Design Guidelines. Any Proposed Project that is subject to the provisions of this Section 70-14 shall be reviewed pursuant to the Boston Redevelopment Authority's Development Review Procedures, as adopted in 1985 and amended in 1986 and in accordance with design guidelines adopted by the Zoning Commission for the Longwood Medical Area as a whole, as the same may be in force from time to time. Design review pursuant to this Section 70-14 shall be commensurate within the size, scale and visual impacts of the Proposed Project in question.

MISCELLANEOUS PROVISIONS

SECTION 70-15. Off-Street Parking and Loading. For any Proposed Project that is subject to Article 31 development review, pursuant to Section 70-13 or by election, the provision and design of off-street parking and loading facilities shall be determined through the Article 31 process.

For any Proposed Project that is not subject to Article 31 development review, no off-street parking or loading is required. Any off-street parking or loading facilities electively provided for any Proposed Project that is not subject to Article 31 development review shall meet the following specifications:

1. Design.
 - (a) Such facilities shall have adequate maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.
 - (b) Such facilities, whether open or enclosed in a Structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any Street or another Lot.
 - (c) Off-street parking facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) Each car space and loading bay shall be located entirely on the Lot.
2. Maintenance. Such facilities shall be maintained exclusively for the parking of motor vehicles, or for loading and unloading purposes, as the case may be, so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 70-16. Nonconformity as to Dimensional Requirements. A Building or Structure existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 70-17. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 70-18. **Severability.** The provisions and requirements of this Article are severable, and if any such requirements or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this Article.

SECTION 70-19. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 70-20. **Tables and Appendices.** The following tables and appendices are hereby made part of this Article:

Tables A and B

Appendices A and B

Beth Israel Hospital Institutional District Use Regulations

Key: A = Allowed, C = Conditional, F = Forbidden
 For definitions of use categories and certain specific uses, see Article 2A.
 For summary of requirements applicable to Institutional Uses, see Note 1.

Banking and Postal Uses

| | |
|--------------------------|---|
| Automatic teller machine | A |
| Bank | A |
| Drive-in bank | C |
| Post office | A |

Community Uses

| | |
|---|---|
| Adult education center | A |
| Community center | A |
| Day care center | A |
| Day care center, elderly | A |
| Library | A |
| Place of worship; monastery; convent; parish house | A |

Cultural Uses

| | |
|-------------|---|
| Art gallery | A |
| Art use | A |
| Auditorium | A |
| Cinema | A |

TABLE A - Continued

| | |
|--|---|
| <u>Cultural Uses (cont'd)</u> | |
| Concert hall | A |
| Museum | A |
| Public art, display space | A |
| Studios, arts | A |
| Studios, production | A |
| Theatre | A |
| Ticket sales | A |
| <u>Dormitory and Fraternity Uses</u> | |
| Dormitory not accessory to a use | C |
| Fraternity | C |
| <u>Educational Uses</u> | |
| College or university ¹ | A |
| Elementary or secondary school ² | A |
| Kindergarten | A |
| Professional school | A |
| Trade school | A |
| <u>Entertainment and Recreational Uses</u> | |
| Adult entertainment | F |
| Amusement game machines in commercial establishment | F |
| Amusement game machines in noncommercial establishment | F |
| Bar ³ | F |
| Bar with live entertainment ³ | F |
| Bowling alley | F |

Entertainment and Recreational Uses (cont'd)

| | |
|--|---|
| Billiard parlor | F |
| Dance hall | F |
| Drive-in theatre | F |
| Fitness center or gymnasium | A |
| Private club not serving alcohol | C |
| Private club serving alcohol | F |
| Restaurant with live entertainment, not operating after 10:30 p.m. ³ | F |
| Restaurant with live entertainment, operating after 10:30 p.m. ³ | F |

Funerary Uses

| | |
|-----------------|---|
| Cemetery | F |
| Columbarium | F |
| Crematory | F |
| Funeral home | F |
| Mortuary chapel | A |

Health Care Uses

| | |
|--|---|
| Clinic | A |
| Clinical laboratory | A |
| Custodial care facility | C |
| Group care residence, general Hospital ¹ | C |
| Nursing or convalescent home ¹ | A |
| | A |

Hotel and Conference Center Uses

| | |
|-------------------|---|
| Bed and breakfast | C |
| Conference center | C |
| Executive suites | C |
| Hotel | C |
| Motel | C |

Industrial Uses

| | |
|---------------------------|---|
| Artists' mixed-use | F |
| Cleaning plant | F |
| General manufacturing use | F |
| Light manufacturing use | F |
| Printing plant | F |
| Restricted industrial use | F |

Office Uses

| | |
|-------------------------------|---|
| Agency or professional office | A |
| General office | A |
| Office of wholesale business | A |

Open Space Uses

| | |
|--|---|
| Golf driving range | F |
| Grounds for sports, private | A |
| Open space | A |
| Open space recreational building | A |
| Outdoor place of recreation for profit | F |
| Stadium | F |

Public Service Uses

| | |
|--|---|
| Automatic telephone exchange | A |
| Courthouse ² | F |
| Fire station ² | A |
| Penal institution ² | F |
| Police station ² | A |
| Pumping station ² | C |
| Recycling facility (excluding facilities handling toxic waste) | F |
| Solid waste transfer station | F |
| Substation ² | C |
| Telephone exchange | F |

Research and Development Uses⁴

| | |
|--|---|
| Research laboratory | A |
| Product development; prototype manufacturing | A |

Residential Uses

| | |
|-----------------------------------|---|
| Congregate living complex | C |
| Elderly housing | C |
| Group residence, limited | A |
| Lodging house | A |
| Mobile home | F |
| Mobile home park | F |
| Multifamily dwelling | A |
| One family detached dwelling | A |
| One family semi-attached dwelling | A |
| Orphanage | A |

Residential Uses (cont'd)

| | |
|--|---|
| Rowhouse | A |
| Temporary dwelling structure | C |
| Three-family detached dwelling | A |
| Townhouse | A |
| Transitional housing or homeless shelter | A |
| Two-family detached dwelling | A |
| Two-family semi-attached dwelling | A |

Restaurant Uses

| | |
|---------------------|---|
| Drive-in restaurant | F |
| Restaurant | A |
| Take-out restaurant | |
| Small ⁵ | A |
| Large ⁶ | A |

Retail Uses⁷

| | |
|---------------------------------|---|
| Adult bookstore | F |
| Bakery | A |
| General retail business | A |
| Liquor store | A |
| Local retail business | A |
| Outdoor sale of garden supplies | F |

Service Uses⁷

| | |
|-------------------------|---|
| Animal hospital | C |
| Barber or beauty shop | A |
| Caterer's establishment | A |

Service Uses⁷ (cont'd)

| | |
|----------------------------|---|
| Dry-cleaning shop | A |
| Kennel | F |
| Laundry, retail service | A |
| Laundry, self-service | A |
| Photocopying establishment | A |
| Shoe repair | A |
| Tailor shop | A |

Storage Uses, Major

| | |
|---|---|
| Outdoor storage of new materials | F |
| Outdoor storage of damaged or disabled vehicles | F |
| Outdoor storage of junk and scrap | F |
| Storage of certain materials | F |
| Storage of flammable liquids and gases | |
| Small ⁸ | A |
| Large ⁸ | C |
| Storage or transfer of toxic waste | C |
| Warehousing | F |
| Wrecking yard | F |

Trade Uses⁷

| | |
|-----------------------|---|
| Carpenters shop | A |
| Electrician's shop | A |
| Machine shop | A |
| Photographer's studio | A |
| Plumber's shop | A |

Trade Uses⁷ (cont'd)

| | |
|-------------------------|---|
| Radio/television repair | A |
| Upholsterer's shop | A |
| Welder's shop | A |

Transportation Uses

| | |
|-----------------------------|---|
| Airport | F |
| Bus terminal | F |
| Garage with dispatch | F |
| Helicopter landing facility | C |
| Motor freight terminal | F |
| Rail freight terminal | F |
| Railroad passenger station | F |

Vehicular Uses

| | |
|--|---|
| Bus servicing or storage | F |
| Carwash ⁹ | F |
| Gasoline station ⁹ | F |
| Indoor sale and installation of automotive parts | F |
| Indoor sale of automobiles and trucks | F |
| Outdoor sale of new and used vehicles | F |
| Parking garage | F |
| Parking lot | F |
| Rental agency for cars | F |
| Rental agency for trucks | F |
| Repair garage | F |
| Truck servicing or storage | F |

Wholesale Uses

Wholesale business

F

Accessory and Ancillary Uses

In the Beth Israel Hospital Institutional District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

| | |
|---|---|
| Accessory amusement game machines (not more than four) in commercial or noncommercial establishment | F |
| Accessory art use | A |
| Accessory automatic teller machine | A |
| Accessory bus servicing or storage | A |
| Accessory cafeteria | A |
| Accessory cultural uses | A |
| Accessory dormitory | C |
| Accessory drive-through restaurant | F |
| Accessory drive-through retail | F |
| Accessory family day care home | A |
| Accessory home occupation | A |
| Accessory industrial use | C |
| Accessory keeping of laboratory animals ⁴ | A |
| Accessory keeping of animals, other than laboratory animals | F |
| Accessory machine shop | A |
| Accessory manufacture of products | C |
| Accessory offices | A |

TABLE A - Continued

Accessory and Ancillary Uses (cont'd)

| | |
|--|---|
| Accessory outdoor cafe | A |
| Accessory parking | A |
| Accessory personnel quarters | A |
| Accessory printing | A |
| Accessory professional office in a dwelling | A |
| Accessory railroad storage yard | F |
| Accessory recycling | A |
| Accessory repair garage | A |
| Accessory retail | A |
| Accessory services for apartment and hotel residents | A |
| Accessory services incidental to educational uses other than college or university use | A |
| Accessory service uses | A |
| Accessory storage of flammable liquids and gases | |
| Small ⁸ | A |
| Large ⁸ | A |
| Accessory storage or transfer of toxic waste | A |
| Accessory swimming pool or tennis court ¹⁰ | A |
| Accessory trade uses | A |
| Accessory truck servicing or storage | A |
| Accessory wholesale business | A |
| Ancillary use ¹¹ | C |

1. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table A. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use.

All Institutional Uses, as defined in Article 2A, are subject to the Institutional Master Plan requirements of Sections 70-7 through 70-12, unless specifically exempted therefrom under the provisions of Section 70-7.

The designations "A," "C," and "F" on this Table A shall not apply to Institutional Uses described in an applicable Institutional Master Plan. See Section 70-7.2. Such uses shall be deemed allowed if described in such Institutional Master Plan, subject to any limitations or restrictions therein set forth, provided that a High Impact Subuse of an Institutional Use and, in the case of a Hospital Use, an ambulatory clinical care facility, shall be deemed allowed only in a location consistent with that described in such Institutional Master Plan unless exempt from the provisions of this Article 70 pursuant to Section 70-7. (The "High Impact Subuses" of an Institutional Use are identified in the definition of such Institutional Use set forth in Article 2A.)

Except for High Impact Subuses, and except for ambulatory clinical care facilities that are not otherwise exempt from the provisions of this Article 70 pursuant to Section 70-7, or that are exempt from such requirements pursuant to Section 70-7 but are electively described in an Institutional Master Plan, the substitution of one Institutional subuse for another Institutional subuse shall not be treated as a change of use, and no determination of consistency with an Institutional Master Plan pursuant to Section 70-11 shall be required for such substitution.

2. Provided the requirements of St. 1956, c. 665, S.2, where appropriate, are met.
3. Provided that, where such use exists on the effective date of this Article and is designated "F," any expansion of seating or standing capacity of such use is forbidden, notwithstanding any contrary provision of Article 9.
4. Provided that such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Total gross floor area not more than 1,000 square feet per restaurant.
6. Total gross floor area exceeding 1,000 square feet per restaurant.

TABLE A - Continued

7. If a Retail, Service, or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m. and such establishment has direct public access to a public way or sidewalk.
8. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
9. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
10. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
11. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

**Beth Israel Hospital Institutional District
Dimensional Regulations(1)**

| | |
|--------------------------|----------|
| Maximum Floor Area Ratio | 4.0 |
| Maximum Building Height | none (2) |
| Other Use | |
| Minimum Lot Size | none |
| Minimum Lot Width | none |
| Minimum Lot Frontage | none |
| Minimum Front Yard | none |
| Minimum Side Yard | none |
| Minimum Rear Yard | none |

1. No building, use, or occupancy permit may be issued for an Institutional Use except in accordance with the provisions of Sections 70-7 through 70-12, regarding Institutional Master Plans, unless such Institutional Use is specifically exempted from the provisions of Sections 70-7 through 70-12 pursuant to Section 70-7. This Table B sets forth the underlying zoning dimensions for the Beth Israel Hospital Institutional District. Notwithstanding any contrary provision of this Table B of this Article, the dimensional requirements for any Proposed Institutional Project that is subject to the provisions of Sections 70-7 through 70-12, and not exempt therefrom by the provisions of Section 70-7, shall be determined by the provisions of the applicable Institutional Master Plan. Any Proposed Institutional Project that is determined to be consistent with an applicable Institutional Master Plan, pursuant to Section 70-11, shall be deemed to be in compliance with the dimensional requirements of this Article 70.

TABLE B - Continued

2. Provided that the Maximum Building Height shall be thirty-five (35) feet for buildings and structures located within fifty (50) feet of a Residential, Open Space, or Conservation Protection Subdistrict and forty-five (45) feet for buildings and structures located between fifty and one hundred (50-100) feet from such a Subdistrict.

APPENDIX A
to
ARTICLE 70



LEGEND

1. Audubon Circle Area
2. West Fens Area
3. Mission Hill Area

APPENDIX B to ARTICLE 70

Those areas of Boston known as Audubon Circle, the West Fens, and Mission Hill, bounded and described as follows:

1. Audubon Circle Area

Beginning at the intersection of the Boston/Brookline municipal boundary and the centerline of Mountfort Street at St. Mary's Street; thence proceeding easterly along the centerline of Mountfort Street to Beacon Street; thence southwesterly along the centerline of Beacon Street to Munson Street; thence southeasterly along the centerline of Munson Street to the alleyway at the rear of the property at 829-833 Beacon Street; thence southwesterly along the centerline of said alleyway, across Miner Street, to Aberdeen Street; thence southeasterly along the centerline of Aberdeen Street to the northwesterly sideline of the right-of-way of the Riverside Line of the Massachusetts Bay Transportation Authority; thence southwesterly along said right-of-way to the Boston/Brookline municipal boundary at St. Mary's Street; thence in two courses, northwest and northeast, along said boundary (the easterly sideline of St. Mary's Street) to the point of beginning.

2. The West Fens Area

Beginning at the junction of Park Drive and Boylston Street; thence proceeding northeasterly along the centerline of Boylston Street to Ipswich Street; thence northwesterly along the centerline of Ipswich Street to the alleyway at the rear of

the property at 1241 Boylston Street; thence northeasterly, in two courses, along the centerline of said alleyway to the alleyway at the northeasterly side of the property at 1163 Boylston Street; thence southeasterly along the centerline of said alleyway to Boylston Street; thence southwesterly along the centerline of Boylston Street to Park Drive; thence southerly, southwesterly, and northwesterly along the centerline of Park Drive to the point of beginning.

3. Mission Hill Area

Beginning in Brigham Circle at the intersection of Francis Street and Huntington Avenue; thence proceeding northeasterly along the centerline of Huntington Avenue to Evans Way; thence in two courses, northerly and northeasterly, along the centerline of Evans Way to Louis Prang Street; thence southeasterly along the center line of Louis Prang Street to Huntington Avenue; thence northeasterly along the centerline of Huntington Avenue to Parker Street; thence southwesterly along the centerline of Parker Street to Ruggles Street; thence southeasterly along the centerline of Ruggles Street to the Massachusetts Bay Transportation Authority (MBTA) right-of-way; thence southwesterly along the centerline of the MBTA right-of-way to Tremont Street; thence easterly along the centerline of Tremont Street to Columbus Avenue; thence southerly along the centerline of Columbus Avenue to New Heath Street; thence westerly along the centerline of New Heath Street to Heath Street; thence northwesterly and westerly along the centerline of Heath Street to South Huntington Avenue; thence northwesterly along the centerline of South Huntington Avenue to Craftson Way; thence

southwesterly along the centerline of Craftson Way to the Boston-Brookline municipal boundary; thence northerly along said boundary to Brookline Avenue; thence northeasterly along the centerline of Brookline Avenue to Fenwood Road; thence southeasterly along the centerline of Fenwood Road to Binney Street; thence northeasterly along the centerline of Binney Street to Francis Street; thence southeasterly along the centerline of Francis Street to the point of beginning.

Text Amendment Application No. 214

Text Amendment No. 183

Richard B Fowler

Chairman

R. R. Mann

Vice Chairman

Robert Jordan

Charles J. Ammend

Edmond D. Apostoline

John Bean

John M. McArthur

Brent E. Shaw

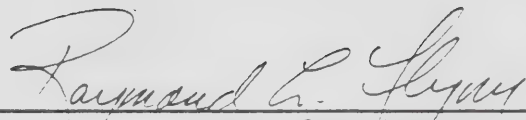
In Zoning Commission

Adopted November 2, 1992

Attest:

Marguerite Hedstrom

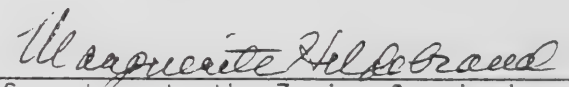
Secretary



Mayor, City of Boston

Date: November 11, 1992

The foregoing amendment was presented to the Mayor on November 10, 1992, and was signed by him on November 11, 1992, whereupon it became effective on November 11, 1992, in accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest: 

Secretary to the Zoning Commission

TEXT AMENDMENT NO. 186

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

EFFECTIVE
February 16, 1993*

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning Code as follows:

By inserting, after Article 52, the following article:

ARTICLE 53

EAST BOSTON NEIGHBORHOOD DISTRICT

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| 53-4 | Applicability |
| 53-5 | Prohibition of Planned Development Areas |
| 53-6 | Community Participation |

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

| | |
|--------------|--|
| Section 53-7 | Establishment of Residential Subdistricts |
| 53-8 | Use Regulations Applicable in Residential Subdistricts |
| 53-9 | Dimensional Regulations Applicable in Residential Subdistricts |

*Date of public notice: December 24, 1992 (see St. 1956, c. 665, s. 5).

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

- Section 53-10 Establishment of Neighborhood Business Subdistricts
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REGULATIONS APPLICABLE ON TIDELANDS AND IN WATERFRONT SUBDISTRICTS

- Section 53-13 Chapter 91 Tidelands Requirements
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- 53-17 Waterfront Open Space Requirements
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- 53-41 Screening and Buffering Requirements Applicable in Logan International Airport Subdistrict

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REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

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- 53-45 Planned Development Areas: Use and Dimensional Regulations
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REGULATIONS GOVERNING DESIGN AND DEVELOPMENT REVIEW

- Section 53-50 Applicability of Article 31 Development Review
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MISCELLANEOUS PROVISIONS

- Section 53-55 Sign Regulations
- 53-56 Off-Street Parking and Loading Requirements
- 53-57 Application of Dimensional Requirements
- 53-58 Nonconformity as to Dimensional Requirements
- 53-59 Regulations
- 53-60 Severability
- 53-61 Definitions
- 53-62 Tables and Appendix

SECTION 53-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish the zoning regulations for the comprehensive plan for the East Boston Neighborhood District as required by the provisions of the East Boston Interim Planning Overlay District, Article 27G of this Code. The goals and objectives of this Article are to preserve and enhance the East Boston neighborhood; to promote land uses that provide jobs for the City's residents; to maintain the City's maritime economy; to enhance the appearance of residential, commercial, and local industrial subdistricts; to protect existing residential uses from the adverse effects of industrial uses and airport uses; to maintain the stock of affordable housing; to preserve, enhance, and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 53-2. Recognition of the East Boston Neighborhood Plan. In accordance with Section 27G-7 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for the East Boston Neighborhood District, the Commission shall recognize the East Boston Neighborhood Plan, when adopted by the Boston Redevelopment Authority, as the general plan for the East Boston Neighborhood District. The East Boston Neighborhood Plan, when approved, also shall serve as the portion of the general plan for the City of Boston applicable to the East Boston Neighborhood District. This

Article is an integral part of, and one of the means of implementing, the East Boston Neighborhood Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Chapter 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 53-3. Physical Boundaries. The provisions of this Article are applicable only in the East Boston Neighborhood District. The boundaries of the East Boston Neighborhood District and its subdistricts are as shown on the maps numbered 3A, 3B, and 3C and entitled "East Boston Neighborhood District" (replacing "Map 3 East Boston"), all of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 53-4. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the East Boston Neighborhood District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. Application of the provisions of Article 27G to the East Boston Neighborhood District is rescinded, and the East Boston Interim Planning Overlay District is extinguished on the effective date of this Article, except as provided below. Where conflicts exist between the provisions of this Article and the remainder of this Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the East Boston Neighborhood District. Proposed Projects, however, are exempt from the provisions of this Article, and are governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

SECTION 53-5. Prohibition of Planned Development Areas. Within the East Boston Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 53-44.

SECTION 53-6. Community Participation. This Article has been developed with the extensive participation of the East Boston Planning and Zoning Advisory Committee, civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the East Boston Planning and Zoning Advisory Committee or its successor organization, if any, and the East Boston civic associations, residents, and business and trade groups,

shall continue to play an ongoing role in advising the City on land use planning for East Boston.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 53-7. Establishment of Residential Subdistricts. This Section 53-7 establishes Residential Subdistricts within the East Boston Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development which enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. One-Family Residential ("1F") Subdistricts. The One-Family Residential ("1F") Subdistricts are established to preserve, maintain, and promote low-density one-family neighborhoods, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 1F Subdistrict, the maximum number of Dwelling Units allowed in a single Building is one (1).
2. Two-Family Residential ("2F") Subdistricts. The Two-Family Residential ("2F") Subdistricts are established to preserve, maintain, and promote two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 2F Subdistrict, the maximum number of Dwelling Units allowed in a single Building is two (2).
3. Three-Family Residential ("3F") Subdistricts. The Three-Family Residential ("3F") Subdistricts are established to preserve the low-density three-family areas with a variety of housing types appropriate to the existing fabric, including one-, two-, and three-family Dwellings, and to allow minor changes to occur as of right. In a 3F Subdistrict, the maximum number of Dwelling Units allowed in a single Building, including a Town House Building or Row House Building, is three (3).
4. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two-, and three-family Dwellings, Row Houses, Town Houses, and multifamily Dwellings.
5. Multifamily Residential/Local Services ("MFR/LS") Subdistricts. The Multifamily Residential/Local Services ("MFR/LS") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two-, and three-family Dwellings,

Row Houses, Town Houses, and Multifamily Dwellings, as well as ground floor commercial uses.

6. Waterfront Residential ("WR") Subdistricts. The Waterfront Residential ("WR") Subdistricts are established as residential waterfront subdistricts for the purposes described in subsection 5 of Section 53-14 (Establishment of Waterfront Subdistricts).

SECTION 53-8. Use Regulations Applicable in Residential Subdistricts.
Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.

SECTION 53-9. Dimensional Regulations Applicable in Residential Subdistricts.

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height, and FAR Requirements. The minimum allowed Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table F of this Article.
2. Lot Frontage. Within the One-Family Residential Subdistricts, Two-Family Residential Subdistricts, and Three-Family Residential Subdistricts, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table F of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width, provided that any Lot with more than one Detached Dwelling, with legal occupancy prior to the adoption of this Article, shall be exempt from this provision.
3. Location of Parking. Accessory off-street parking in Residential Subdistricts shall not be located in any part of a Front Yard required by this Article.
4. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line; provided that within the MFR/LS Subdistricts, any entrance to a Dwelling located above a ground floor nonresidential use may face the side or rear Lot Line.

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 53-10. **Establishment of Neighborhood Business Subdistricts.**

This Section 53-10 establishes Neighborhood Business Subdistricts within the East Boston Neighborhood District. There are two (2) types of Neighborhood Business Subdistricts: Neighborhood Shopping ("NS") Subdistricts, providing convenience goods and services to the larger neighborhood; and Community Commercial ("CC") Subdistricts, providing a diversified commercial environment serving larger markets. Both types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the East Boston community.

The following Neighborhood Business Subdistricts are established:

1. Maverick Square Neighborhood Shopping (NS) Subdistrict
2. Day Square Neighborhood Shopping (NS) Subdistrict
3. Orient Heights Neighborhood Shopping (NS) Subdistrict
4. Central Square Community Commercial (CC) Subdistrict

SECTION 53-11. Use Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

SECTION 53-12. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table G of this Article.

REGULATIONS APPLICABLE ON TIDELANDS AND IN WATERFRONT SUBDISTRICTS

SECTION 53-13. Chapter 91 Tidelands Requirements. In accordance with Chapter 91 of the General Laws of Massachusetts ("Chapter 91") and the regulations promulgated thereunder, certain projects located in Tidelands (as that term is defined in Chapter 91) require a license ("Chapter 91 License") from the Commonwealth's Department of Environmental Protection ("DEP"). Section 18 of Chapter 91 requires that the planning board of a municipality in which the project is located (in Boston, the Boston Redevelopment Authority) submit a written recommendation ("Section 18 Recommendation") stating whether the planning board believes the project would serve a proper public purpose and would not be detrimental to the public's rights in Tidelands (the "Section 18 Standard").

A Section 18 Recommendation with respect to a project requiring a Chapter 91 License and located in the East Boston Neighborhood District shall be made by the Boston Redevelopment Authority in accordance with the provisions of this Section 53-13. For the purposes of this Section 53-13 only, the term "Project" shall mean a development, activity, or change of use requiring a Chapter 91 License.

1. Determination of Proper Public Purpose. The Boston Redevelopment Authority, in making a Section 18 Recommendation regarding a Project located in the East Boston Neighborhood District, shall determine whether such Project serves a proper public purpose and would not be detrimental to the public's rights in Tidelands. The Boston Redevelopment Authority shall base such determination of the conformity of the Project to the provisions of subsections 2 through 7 of this Section 53-13, and on the extent to which the Project reasonably and appropriately preserves and enhances the public's rights in Tidelands including, without limitation, the public's:
 - (a) visual access to the water, whether such Project is for a Water-Dependent or non-Water-Dependent Use on Private or Commonwealth Tidelands;
 - (b) rights to fishing, fowling, and navigation and the natural derivatives thereof, if such Project is for a Water-Dependent Use or non-Water-Dependent Use on Private or Commonwealth Tidelands;
 - (c) physical access to and along the water's edge for recreation, commerce, and other lawful purposes, and interest in public recreational opportunities at the water's edge and open space for public use and enjoyment, if such Project is for a Water-Dependent Use or non-Water-Dependent Use on Commonwealth Tidelands;

- (d) interest in the preservation of the historic character of the Project's site;
- (e) interest in industrial and commercial waterborne transportation of goods and persons;
- (f) interest in repair and rehabilitation of dilapidated piers that blight the East Boston Neighborhood District and limit public access; and
- (g) interest in safe and convenient navigation in Boston Harbor, including without limitation:
 - (i) navigation by water transportation Vessels, such as ferries, water taxis, water shuttles, or commuter vessels, including, without limitation, appropriate and convenient navigation by such Vessels outside of the Main Shipping Channel and other established channels;
 - (ii) navigation by deep draft Vessels, including, without limitation, appropriate navigation in the Main Shipping Channel and other established channels and the requirements of turning, anchorage, and approaches to deep water piers and births;
 - (iii) navigation by Recreational Vessels and small Commercial Vessels outside of the Main Shipping Channel and other established channels as necessary or convenient for such Vessels to avoid interference with water transportation Vessels and deep draft shipping and as otherwise required for the purposes of harbor traffic management; and
 - (iv) navigation, as appropriate to the site, by U.S. Coast Guard, U.S. Naval, police, fire, and other public safety Vessels.

2. Public Access to the Waterfront and Open Space. Public access to the waterfront and Open Space is a central policy of the City of Boston Municipal Harbor Plan and the East Boston Neighborhood Plan. Pursuant to this policy, the Boston Redevelopment Authority shall not make a positive Section 18 Recommendation with respect to a Project that the Boston Redevelopment Authority determines will significantly interfere with public rights to walk or otherwise pass freely on Commonwealth Tidelands for purposes of commerce, recreation, and all other lawful activities; or on Private Tidelands for purposes of fishing, fowling, navigation, and the natural derivatives thereof. The Boston Redevelopment Authority shall find that the Section 18 Standard is not met if the Project does not comply with the following public access conditions:

- (a) Pedestrian Access to Flowed Private Tidelands. To the extent that the Project site includes Flowed Private Tidelands, the Project shall allow continuous, on-foot, lateral passage by the public in the exercise of its rights therein, wherever feasible; and Pier, wharf, groin, jetty, or other structure on such Tidelands shall be designed to minimize interference with public passage, either by maintaining at least a five-foot clearance above the ground along the high water mark, or by providing a stairway for the public to pass laterally over such structures, or by providing other means of lateral access substantially consistent with the foregoing; where obstruction of continuous access below the high water mark is unavoidable, the Project shall provide free lateral passage to the public above said mark in order to mitigate interference with the public's right to pass freely on Flowed Private Tidelands.
- (b) Pedestrian Access to Commonwealth Tidelands and Filled Private Tidelands. To the extent that the Project site includes Flowed or Filled Commonwealth Tidelands, or Filled Private Tidelands, the Project shall include reasonable measures to provide on-foot passage on such lands for the public in the exercise of its rights therein, in accordance with the following provisions:
- (i) if the Project is not a Water-Dependent Use Project, said Project shall provide a public Pedestrian Access Network;
 - (ii) if the Project is a Water-Dependent Use Project, the Project shall provide for public passage by such means as are consistent with the need to avoid undue interference with the Water-Dependent Use or Uses in question and to avoid any safety hazard to people working on or visiting the Project site; measures which may be appropriate in this regard include, but are not limited to, allowing the public to pass laterally along portions of the Project shoreline, or transversely across the site to a point on the Project shoreline.
- (c) Accessibility, Maintenance, and Design of Open Space and Pedestrianways. All Open Space areas established pursuant to Section 53-17 located on Commonwealth Tidelands, and all public access facilities described in subsections (a) and (b) of this Section 53-13.2 ("Public Access Facilities"), shall be open and accessible to the public twenty-four (24) hours a day. No gates, fences, or barriers may be placed on such Public Access Facilities or Open Space in a manner that would impede or discourage the free flow of pedestrian movement thereon. The foregoing shall not be deemed to prohibit the placing of temporary barriers as required in

emergencies or in connection with construction, maintenance, or the like, provided that interference with pedestrian access and passage is minimized to the extent reasonably practicable and consistent with public safety and that such barriers are in place no longer than necessary. All such Public Access Facilities shall be Accessible to Physically Handicapped Persons. Active pedestrian use of such Open Space areas and Public Access Facilities shall be encouraged on a year-round basis, particularly for water-related activities, through such means as appropriate ground level uses of adjacent buildings and facilities and amenities designed to be attractive to pedestrians. Maintaining, cleaning, landscaping, and managing such Open Space areas and Public Access Facilities shall at all times be the responsibility of the Chapter 91 licensee of the Project. The Applicant for any Project subject to or electing to comply with the development review provisions of Section 53-19 shall include in the urban design component of its Draft Project Impact Report, submitted pursuant to Section 31-5.3, an Open Space and Public Access Plan, including plans, drawings, specifications, descriptions of proposed uses, and descriptions of proposed management measures and access-related rules and regulations, if any, sufficient to permit the Boston Redevelopment Authority to determine the conformity of the Project to this Section 53-13.2 and to Section 53-17 (Waterfront Open Space Requirements), and to make a Section 18 Recommendation.

- (d) Signage for Public Access Facilities. Any Project required to provide Public Access Facilities in accordance with subsection (b) of this Section 53-13.2 shall encourage public patronage of such facilities by placing and maintaining adequate signage at all entryways and at other appropriate locations on the site. Such signage shall:
 - (i) conform to Section 53-55 (Sign Regulations);
 - (ii) conform, as applicable, to design guidelines for Harborwalk signage to be issued as regulations by the Boston Redevelopment Authority; and
 - (iii) include at least one sign, conforming to such design guidelines and placed in a prominent location, that advises the public of its access rights and discloses whatever access-related rules and regulations are in effect, if any.
- (e) Public Access in Maritime Economy Reserve (MER) Subdistricts. Within any Maritime Economy Reserve (MER) Subdistrict, public access shall be required as set forth above, but only to the extent to which it does not significantly interfere with or obstruct the operation

of a Maritime-Dependent Industrial Use or pose a safety hazard to workers or visitors on the site of such use.

3. Creation of Housing on Lots Containing Commonwealth Tidelands.

- (a) Lots Not Owned by a Public Agency. For a Project to construct ten (10) or more units of housing on a Lot not owned by a Public Agency, which Lot includes Commonwealth Tidelands, the Boston Redevelopment Authority shall find that the Section 18 Standard is not met unless at least ten percent (10%) of the proposed Dwelling Units are Affordable.
- (b) Lots Owned by a Public Agency. For a Project to construct four (4) or more units of housing on a Lot owned by a Public Agency, which Lot includes Commonwealth Tidelands, the Boston Redevelopment Authority shall find that the Section 18 Standard is not met unless at least twenty-five percent (25%) of the proposed Dwelling Units are Affordable.

For purposes of this Section 53-13.3, the date for determining ownership of a Lot is the date on which a Project Notification Form for the Project is filed pursuant to Section 31-5.1, or if no Project Notification Form is required, the date on which a building permit application for the Project is filed.

4. Provision of Water Transportation Facilities. To promote an effective water transportation system, and to ensure use of the waterfront and full access to recreational, commuting, and economic activities, the Boston Redevelopment Authority shall find that the Section 18 Standard for a Project is not met unless the Project conforms to the applicable requirements for water transportation facilities set forth below:

- (a) Water Transportation Facility Requirement. In making a Section 18 Recommendation with respect to a Project, the Boston Redevelopment Authority shall consider the extent to which provision is made on the Project site for waterborne passenger transportation facilities, including, without limitation, terminals and landings for water ferries, water shuttles, or water taxis, and free public landings, as appropriate to the scale, use, and location of the Project.
- (b) Provision of Dockage at Seawalls and Bulkheads. In order to provide adequate docking areas for both emergency use and routine harbor activities, any reconstruction of seawalls or bulkheads along those portions of the Project shoreline that line waters accessible by Vessels shall, to the extent reasonably practicable, accommodate dockage of Vessels alongside such seawalls or bulkheads.

5. Additional Regulations Applicable to Tidelands Proposed to be Filled. This Section 53-13.5 governs Tidelands that are filled after the date of the first notice of hearing before the Zoning Commission on this Article. Piles are not considered "fill" for the purpose of this Article.

New fill is prohibited in any area where Pier construction or extension is prohibited by this Code.

No portion of a Project located on Tidelands that are subject to this Section 53-13.5 shall be erected, used, or arranged or designed to be used except for a Water-Dependent Use otherwise allowed, or conditionally permitted subject to the provisions of Article 6, for such location, except as otherwise provided in this Section 53-13.5. In making a Section 18 Recommendation with respect to a Project involving such new fill, the Boston Redevelopment Authority shall find that the Section 18 Standard is not met unless such new fill is limited to the extent reasonably practicable by measures such as substituting pile-supported or floating structures for new fill or relocating the use to a position above the High Tide Line. The foregoing shall not, however, prohibit or limit the use of new fill the purpose of which is to eliminate irregularities in or to repair previously altered portions of the shoreline included in the Project, provided that such new fill replaces previously authorized fill elsewhere along such shoreline on a one-to-one square foot basis (new fill to removed fill). The foregoing also shall not prohibit or limit the use of new fill the purpose of which is to accommodate mechanical elements of the Project that enter the seabed, such as, without limitation, elevator shafts, ventilation shafts, utility conduits, or the like, and any associated structural elements, provided that such fill is limited to that reasonably required under the circumstances, and provided further that all such mechanical elements, structural elements, and fill are wholly contained within the edges of a Pier.

6. Uses Allowed on Floating Structures. No floating Structure, other than a Vessel, shall be used or arranged or designed to be used except for a Water-Dependent Use otherwise allowed for the location of such Structure, or conditionally permitted subject to the provisions of Article 6.
7. Regulations Governing Piers. No portion of any Pier shall extend beyond the Pierhead Line.
8. Facilities of Public Accommodation. In any Project that has a Gross Floor Area of ten thousand (10,000) or more square feet and involves new construction or a change of use on the First Story, the use of at least forty percent (40%) of the Gross Floor Area of the First Story shall be for indoor Facilities of Public Accommodation that are otherwise allowed for such Project or are conditional and permitted pursuant to Article 6; provided,

however, that the provisions of this Section 53-13.8 shall not apply to any Project located in a Maritime Economy Reserve Subdistrict or a Waterfront Manufacturing Subdistrict.

SECTION 53-14. Establishment of Waterfront Subdistricts. This Section 53-14 establishes Waterfront Subdistricts within the East Boston Neighborhood District. There are six (6) types of Waterfront Subdistricts: Waterfront Service ("WS") Subdistricts, Waterfront Manufacturing ("WM") Subdistricts, Maritime Economy Reserve ("MER") Subdistricts, Waterfront Commercial ("WC") Subdistricts, Waterfront Residential ("WR") Subdistricts, and Waterfront Community Facilities ("WCF") Subdistricts.

1. Waterfront Service ("WS") Subdistricts. The Waterfront Service ("WS") Subdistricts in the East Boston Neighborhood District are governed by the provisions of this Article, rather than by Article 42C (Waterfront Service District) of this Code. The purposes of the Waterfront Service Subdistricts include preserving for Water-Dependent Commercial Use adequate Piers, docks, and land necessary for the repair, maintenance, and sale of Commercial and Recreational Vessels, and protecting against the encroachment of uses that threaten the continued economic viability of water-dependent commercial operations in the East Boston Neighborhood District. The following Waterfront Service Subdistricts are established:
 - (a) Orient Heights Waterfront Service (WS) Subdistrict
 - (b) Jeffries Point Waterfront Service (WS) Subdistrict
 - (c) Maverick Waterfront Service (WS) Subdistrict
 - (d) Saratoga Street Waterfront Service (WS) Subdistrict
2. Waterfront Manufacturing ("WM") Subdistricts. The Waterfront Manufacturing ("WM") Subdistricts in the East Boston Neighborhood District are governed by the provisions of this Article, rather than by Article 42D (Waterfront Manufacturing District) of this Code. The purposes of the Waterfront Manufacturing Subdistricts include protecting the working waterfront and supporting maritime industrial uses through promotion of related manufacturing uses. The following Waterfront Manufacturing Subdistricts are established:
 - (a) North Ferry Waterfront Manufacturing (WM) Subdistrict
 - (b) Meridian Street Waterfront Manufacturing (WM) Subdistrict
 - (c) Chelsea Creek Waterfront Manufacturing (WM) Subdistrict
 - (d) Condor Street Waterfront Manufacturing (WM) Subdistrict
 - (e) Eagle Square Waterfront Manufacturing (WM) Subdistrict
 - (f) Upper Chelsea Creek Waterfront Manufacturing (WM) Subdistrict

3. Maritime Economy Reserve ("MER") Subdistricts. The purposes of the Maritime Economy Reserve ("MER") Subdistricts are to provide for Light Manufacturing Water-Dependent Uses, and to preserve sites for Maritime-Dependent Industrial Uses along the waterfront consistent with applicable state policy and the needs of the maritime industry.

The areas designated as MER Subdistricts consist of those areas that were previously designated as MER Districts on "Map 3 East Boston." These areas remain subject to all the provisions of this Code applicable to MER Districts, except that (1) the maximum Building Height and Floor Area Ratio (FAR) for the MER Subdistricts are as set forth on Table H of this Article, and (2) all the provisions of this Article that apply to the Waterfront Subdistricts apply to the MER Subdistricts, except where otherwise specified in those provisions.

The following Maritime Economy Reserve Subdistricts are located as designated on Maps 3A, 3B, and 3C, all entitled "East Boston Neighborhood District":

- (a) Marginal Street Maritime Economy Reserve (MER) Subdistrict
- (b) New Street Maritime Economy Reserve (MER) Subdistrict
- (c) Border Street Maritime Economy Reserve (MER) Subdistrict
- (d) Nay Street Maritime Economy Reserve (MER) Subdistrict
- (e) Condor Street Maritime Economy Reserve (MER) Subdistrict
- (f) Chelsea Street Maritime Economy Reserve (MER) Subdistrict

4. Waterfront Commercial ("WC") Subdistricts. The purposes of the Waterfront Commercial ("WC") Subdistrict are to ensure that the commercial areas located near the waterfront develop in a manner that is sensitive to and compatible with the goals for the waterfront expressed in the East Boston Neighborhood Plan and applicable state policy. The following Waterfront Commercial Subdistrict is established:

- (a) Central Square Waterfront Commercial (WC) Subdistrict

5. Waterfront Residential ("WR") Subdistricts. The purpose of the Waterfront Residential ("WR") Subdistricts is to provide for residential uses in areas on the waterfront where they can be accommodated without conflicting with commercial and industrial maritime uses. Providing certain areas for residential uses will enhance the balance of uses on the waterfront and allow this important area of the East Boston Neighborhood District to accommodate more fully all the activities of the residents of East Boston. The following Waterfront Residential Subdistricts are established:

- (a) South Ferry Waterfront Residential (WR) Subdistrict

(b) Shore Plaza Waterfront Residential (WR) Subdistrict

6. Waterfront Community Facilities ("WCF") Subdistricts. The purpose of the Waterfront Community Facilities ("WCF") Subdistrict is to ensure that the community facilities located near the waterfront develop in a manner that is sensitive to and compatible with the goals for the waterfront expressed in the East Boston Neighborhood Plan and applicable state policy. The following Waterfront Community Facilities Subdistrict is established:

- (a) Mario Umana Harbor School of Science and Technology Waterfront Community Facilities (WCF) Subdistrict

SECTION 53-15. Use Regulations Applicable in Waterfront Subdistricts.

Within the Waterfront Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified as "A" (allowed) or as "C" (conditional) in the table of uses of this Article applicable to that location. Any use identified in the applicable table of uses as conditional for the proposed location of such use is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in the applicable table of uses for the proposed location of such use is forbidden in such location. Any use not included in the applicable table of uses for the proposed location of such use is forbidden such location.

SECTION 53-16. Dimensional Regulations Applicable in Waterfront Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Waterfront Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in the dimensional requirements table of this Article applicable to the Waterfront Subdistrict in which such Lot is located.

SECTION 53-17. Waterfront Open Space Requirements. Notwithstanding any contrary provisions of this Article, the Open Space requirements of this Section 53-17 apply to any Proposed Project involving new construction at grade and located on Tidelands subject to Chapter 91 or in a Waterfront Service, Waterfront Commercial, Waterfront Residential, or Waterfront Community Facilities Subdistrict, except for any Proposed Project with a Gross Floor Area of 2,500 square feet or less used exclusively for one or more Water-Dependent Uses.

Any Proposed Project to which the Open Space requirements of this Section 53-17 apply shall devote to Open Space at least fifty percent (50%) of the Lot Area of such Proposed Project.

For the purposes of those regulations in this Article governing Waterfront Subdistricts and Tidelands, the term "Open Space" shall mean land areas and areas on Piers excluding (a) any area occupied by a building or roofed structure; (b) any

parking lot or parking area; (c) any street; (d) any private road or area devoted to motor vehicle use; (e) any salt-water area below the mean High Tide Line, other than areas on Piers; (f) any fresh water area more than ten (10) feet from the shoreline; (g) marina slips or floats or other floating structures; (h) swimming pools, and (i) tennis courts.

The foregoing notwithstanding, the following areas shall be deemed "Open Space":

1. any area occupied by a building not exceeding a Building Height of fifteen (15) feet and a Gross Floor Area of four hundred (400) square feet and reserved exclusively for use as a Water-Dependent Use or a recreational use allowed, or permitted as a conditional use, pursuant to the table of uses of this Article applicable to the location of such use;
2. any area occupied by a street or private way open only to pedestrians and emergency vehicles; and
3. any area, at Grade, otherwise meeting the definition of Open Space, as set forth in this Section 53-17, but covered by a pedestrian skywalk or skybridge, provided that an exception allowing the designation of such area as Open Space is granted by the Board of Appeal, subject to the requirements of Article 6A.

All Open Space areas shall be Accessible to Physically Handicapped Persons, as those terms are defined in Article 2A.

The Open Space requirements of this Section 53-17 shall not prohibit occasional access to or over Open Space by service vehicles reasonably required to construct or maintain the structures on the Lot or by emergency vehicles. However, routine access to or over Open Space areas by vehicles transporting, loading, or unloading passengers or supplies for the normal operation of buildings and uses is not consistent with the foregoing definition.

SECTION 53-18. Waterfront Yard Area Requirements. Except as otherwise expressly provided in this Article, the Waterfront Yard Area requirements of this Section 53-18 apply to any Lot located on Tidelands subject to Chapter 91, or in a Waterfront Subdistrict, if such Lot is adjacent to or includes the High Tide Line. Any such Lot shall include a Waterfront Yard Area adjacent to and landward of such High Tide Line, excluding portions of the High Tide Line occupied by Piers. A Waterfront Yard Area also shall be required along the edges of any Pier. The required Waterfront Yard Area landward of the High Tide Line and the required Waterfront Yard Area on Piers shall be connected so as to provide a continuous path along the waterfront, with a minimum width at the places of connection of no less than twelve

(12) feet. The dimensions of the required Waterfront Yard Areas are set forth in Table 1, below:

TABLE 1

Required Depth of Waterfront Yard Area

| <u>Required Setback (Shoreline, excluding Piers)</u> | <u>Required Setback (Sides of Piers)</u> | <u>Required Setback (Ends of Piers)</u> |
|--|--|---|
| 35' | 12' | 35' |

The following additional provisions shall apply to the Waterfront Yard Area requirement:

1. Waterfront Yard Area Measurements. The depth of the Waterfront Yard Area shall be measured perpendicularly from the High Tide Line in the case of bulkheads, rip rap, fill, or shoreline and from the Ends and Sides of Piers. In locating the Waterfront Yard Area, the actual High Tide Line may be smoothed with such curves and chords as may be accessory to achieve a reasonably regular landward boundary. However, in no instance shall the Waterfront Yard Area be narrower than the required dimension measured perpendicularly from the actual High Tide Line. For the limited purpose of applying the Waterfront Yard Area requirements of this Article, a filled area or a structure consisting of both fill and Pier, projecting seaward of the prevailing shoreline, and having the form of a wharf or Pier, shall be treated as Pier.
2. Setback Requirements. No portion of any building or structure (including, without limitation, mechanical facilities associated with a building) shall be located in any Waterfront Yard Area, except walkways, landscape furniture, guardrails, cleats, bollards, pilings, boat ramps, and other structures that do not materially interfere with pedestrian use of the Waterfront Yard Area or that are required for operational or safety reasons to be located at the water's edge, provided that any resulting interference with pedestrian use of the Waterfront Yard Area is minimized to the extent economically practicable.
3. Exception to Waterfront Yard Area Setback Requirement. Any building or structure used for a Water Dependent Use, including, without limitation, drydocks, enclosed or covered wet dock sheds, davits, hoists, mast

markers, and the structures listed in Section 53-18.2, shall be permitted within the Waterfront Yard Area as necessary to avoid interference with any direct access to the water required for such Water-Dependent Use.

4. Floating Structures. No portion of any Waterfront Yard Area shall be located on any floating structure.

SECTION 53-19. Waterfront Development Review. Notwithstanding any contrary provisions of this Article or of Section 31-3 and Section 31-4, the provisions of Article 31 (Development Review Requirements) apply to any Proposed Project located on Tidelands subject to Chapter 91, or in a Waterfront Subdistrict, if the Proposed Project proposes:

- (a) to erect a building or structure having a Gross Floor Area of ten thousand (10,000) or more square feet;
- (b) to enlarge or erect a building or a structure so as to increase its Gross Floor Area by ten thousand (10,000) or more square feet;
- (c) to establish or change the uses of fifty thousand (50,000) or more square feet of Gross Floor Area; or
- (d) to construct, demolish, or alter any Pier, or to alter any shoreline, which construction, demolition, or alteration affects one thousand (1,000) or more square feet of Lot Area;

provided that a Proposed Project for an allowed Maritime-Dependent Industrial Use located within a Maritime Economy Reserve (MER) Subdistrict and subject to review by the Secretary of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts under the Massachusetts Environmental Protection Act ("MEPA") and its implementing regulations shall not be subject to the requirements of Article 31.

1. Scope of Review. The scope of review of a Proposed Project subject to this Section 53-19 shall be as set forth in Section 31-5, modified as set forth below:
 - (a) Only Proposed Projects with a Gross Floor Area of fifty thousand (50,000) or more square feet shall be subject to the Transportation Component provisions of Section 31-6.
 - (b) Notwithstanding any contrary provision of Sections 31-5 through 31-10 (concerning Development Review procedure and components), review and analysis of a Proposed Project pursuant to this Section 53-19 shall include review and analysis of those additional

matters identified in Section 53-19.2 (Urban Design Guidelines), Section 53-19.3 (Enhancement of Pedestrian Environment), and Section 53-19.4 (Tidelands Component) of this Section 53-19, and appropriate design and mitigation measures may be required by the Boston Redevelopment Authority in connection therewith.

2. Urban Design Guidelines. Review and analysis of a Proposed Project pursuant to Section 31-8 (Urban Design Component) shall include review and analysis of such Proposed Project in accordance with the urban design guidelines set forth in this Section 53-19.2. The issuance of an Adequacy Determination by the Boston Redevelopment Authority approving the Applicant's Final Project Impact Report pursuant to Section 31-5.6 shall constitute the Boston Redevelopment Authority's determination of compliance with this Section 53-19.2, subject to any conditions as may expressly be set forth in said Adequacy Determination.
 - (a) New development and rehabilitation shall reinforce the traditional pattern, height, and massing of the urban waterfront.
 - (b) Buildings and spaces shall direct views and pedestrian movements toward the water.
 - (c) Buildings on Piers shall be sited so as to reinforce the geometry of the Pier, and buildings near the water's edge shall not be massed so as to create a continuous wall along the water's edge.
 - (d) Inland buildings shall reinforce the City's street pattern and avoid continuous walls parallel to the water's edge by maintaining view and access corridors, especially at cross-streets.
 - (e) Buildings shall be sited to provide view and access corridors toward the open water and to preserve views from Public Access Facilities and Open Space areas at the Ends of Piers.
 - (f) Building elements on a site shall generally step down in height toward the water's edge.
 - (g) Open areas and buildings at or near the Ends of Piers shall offer opportunities for public views of the water and public amenities that attract the public to the water's edge.
 - (h) Building massing shall enhance the air flow channels created by sea breezes that are beneficial to air quality in the City.

- (i) Open spaces, building entrances, shopfronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements shall be designed to enhance pedestrian activity, access to, and enjoyment of the waterfront. Blank walls, without windows or entrances facing onto pedestrian areas, shall be avoided to the extent practicable in building designs.
 - (j) Facade treatment, building materials, and design details shall complement the traditional character of Boston's historic waterfront development patterns.
 - (k) Setbacks, corner treatments, and other design details shall be used to minimize the sense of bulk of structures. Ornamental and decorative elements appropriate to the urban and historical waterfront context are encouraged.
 - (l) Roofs of buildings shall be designed to minimize the visibility of roof structures and penthouses normally built above the roof and not designed to be used for human occupancy.
 - (m) In addition to the foregoing, design features of a Proposed Project shall take into consideration the characteristics of the site and its location in the East Boston Neighborhood District and provide opportunities for special amenities, such as panoramic views of the Harbor, and shall enhance and reinforce any historic qualities of existing structures.
3. Enhancement of Pedestrian Environment. Review and analysis of a Proposed Project, pursuant to Section 31-8 (Urban Design Component) also shall include review and analysis of the extent to which the Proposed Project promotes and enhances the quality of the pedestrian environment, by means such as: (a) pedestrian pathways connecting to the waterfront and, where appropriate, linking the waterfront and mass transit stations; (b) spaces accommodating pedestrian activities and public art; (c) use of materials, landscaping, public art, lighting, and furniture that enhance the pedestrian and waterfront environment; (d) pedestrian systems that encourage more trips on foot to replace vehicular trips; (e) other attributes that improve the pedestrian environment and pedestrian access to the waterfront and Boston Harbor; and (f) appropriate management and maintenance of pedestrian access within the Proposed Project.
4. Tidelands Component. The Boston Redevelopment Authority shall require in its Scoping Determination issued pursuant to Section 31-5 with respect to any Proposed Project located on Tidelands subject to Chapter 91 an additional development review component to be known as the "Tidelands

Component." The Boston Redevelopment Authority shall require the Applicant to include in the Draft Project Impact Report, submitted for the Proposed Project pursuant to Section 31-5.3, an analysis of the Proposed Project together with such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project complies with the standards and requirements set forth in Section 53-13 (Chapter 91 Tidelands Requirements).

SECTION 53-20. Waterfront Environmental Protection and Safety

Standards. Any Proposed Project located on Tidelands subject to Chapter 91, or in a Waterfront Subdistrict, shall conform to the environmental protection and safety standards established in this Section 53-20, to the extent economically practicable, as determined in development review pursuant to Section 53-19.

1. Trash Disposal Standards. Any such Proposed Project with a Gross Floor Area of fifty thousand (50,000) or more square feet shall include a trash compactor in an interior location for garbage and trash disposal, and shall provide for the maintenance and cleanliness of such compactor.
2. Area for Recyclable Materials. Any such Proposed Project with a Gross Floor Area of fifty thousand (50,000) or more square feet shall include an interior area for the separation, temporary storage, and collection of recyclable materials. Such area shall be located in the vicinity of any off-street loading facility.
3. Provision of Safety Ladders. Any such Proposed Project, if adjacent to the water, shall provide a safety ladder or ladders extending from the water to an accessible area above the high water mark such that there shall be one safety ladder located approximately every one hundred (100) feet along those portions of the waterfront occupied by seawalls, piers, wharves, or other structures otherwise inaccessible to a person in the water. The foregoing notwithstanding, a safety ladder shall not be required in a location that would unreasonably interfere with docking facilities or other Water-Dependent Use, provided that safety ladders are placed at intervals most closely approximately one hundred (100) feet and not so interfering.

REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

SECTION 53-21. Establishment of Local Industrial Subdistricts. This Section 53-21 establishes Local Industrial ("LI") Subdistricts within the East Boston Neighborhood District. The purpose of the Local Industrial Subdistricts is to encourage the preservation of the existing local manufacturing and industrial uses in a manner that is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the East Boston Neighborhood District.

The following Local Industrial Subdistrict is established:

1. Eagle Hill Local Industrial (LI) Subdistrict

SECTION 53-22. Use Regulations Applicable in Local Industrial Subdistricts. Within the Local Industrial Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden in the Local Industrial Subdistricts.

SECTION 53-23. Dimensional Regulations Applicable in Local Industrial Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Local Industrial Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table K of this Article.

REGULATIONS APPLICABLE IN ECONOMIC DEVELOPMENT AREAS

SECTION 53-24. Establishment of Economic Development Areas. This Section 53-24 establishes Economic Development Areas ("EDAs") within the East Boston Neighborhood District. The purposes of establishing the EDAs are to encourage economic growth, including light manufacturing and commercial activity, in a manner that is sensitive to the needs and interests of the community; to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhoods; and to encourage the diversification and expansion of Boston's and East Boston's economy, with special emphasis on the creation and retention of job opportunities.

The following EDAs are established:

1. McClellan Highway EDA. The McClellan Highway EDA is intended as a focal point for environmentally sound economic growth and development of retail, office, research and development, and light industrial and manufacturing uses which benefit from the area's close proximity to the City, the international airport, and major highway access.
2. Saratoga Street EDA. The Saratoga Street EDA is located between the Orient Heights MBTA Station and the Suffolk Downs MBTA Station and borders the MDC's Belle Isle Marsh Reservation and Saratoga Street. The purpose of this EDA is to foster research and development activities and office uses. The proximity of the Belle Isle Marsh Reservation and the two MBTA stations offers opportunities to benefit economic activities and adjacent residential uses by improving the area's access to open space and transportation.
3. Suffolk Downs EDA. The Suffolk Downs EDA is located between McClellan Highway, Bennington Street, Waldemar Avenue, and the City of Revere boundary. The purpose of this EDA is to encourage sound development and growth that will expand the City's economic base and afford broad employment opportunities.

SECTION 53-25. Use Regulations Applicable in EDAs. Within the EDAs, no land or ~~Structure~~ shall be erected, used, or arranged or designed to be used, in whole or in part, ~~unless~~, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden in the EDAs.

SECTION 53-26. Dimensional Regulations Applicable in EDAs. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in an EDA, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table L of this Article.

REGULATIONS APPLICABLE IN CONSERVATION PROTECTION SUBDISTRICTS

SECTION 53-27. Establishment of Conservation Protection Subdistricts.

This Section 53-27 establishes Conservation Protection ("CP") Subdistricts in the East Boston Neighborhood District. Conservation Protection Subdistricts are established to promote the most desirable use of land and siting of development in areas with special natural or scenic features in accordance with a well considered plan, and to protect and enhance the natural and scenic resources of East Boston.

The following Conservation Protection Subdistrict is established:

1. Orient Heights Conservation Protection (CP) Subdistrict

SECTION 53-28. Use Regulations Applicable in Conservation Protection Subdistricts. Within a Conservation Protection Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden in the Conservation Protection Subdistrict.

SECTION 53-29. Dimensional Regulations Applicable in Conservation Protection Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Conservation Protection Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table I of this Article.

SECTION 53-30. Site Plan Review and Approval Regulations. In order to assure that any significant new development within a Conservation Protection Subdistrict occurs in a manner that is protective of the special natural and scenic features of the subdistrict in accordance with a plan considering the most desirable land uses for such an area, the following site plan approval regulations apply. The Commissioner of the Department of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to the provisions of this Section 53-30, unless the Director of the Boston Redevelopment Authority has issued a certificate of compliance with this Section 53-30.

1. **Applicability of Site Plan Review Requirements.** The site plan review requirements of this Section 53-30 shall apply to any Proposed Project within a Conservation Protection Subdistrict, unless such Proposed Project, together with Previous Projects, as hereinafter defined, does not, within the Conservation Protection Subdistrict, add more than five thousand (5,000) square feet of Gross Floor Area or add more than five thousand (5,000) square feet of impervious surface, or involve regrading or recontouring of

land with the addition, removal, or relocation of one hundred (100) or more cubic yards of earth. For the purposes of this Section 53-30, "Previous Project" means any project of the Applicant, or any predecessor in interest of the Applicant, within the same Conservation Protection Subdistrict, that has been substantially completed within the three-year period ending on the date of submission of the building permit application for such Proposed Project, or which, as of such date, was under construction or was the subject of a pending building permit application.

2. Procedure for Approval of Proposed Project. Each application for a permit for a Proposed Project that is subject to the provisions of this Section 53-30 shall include a Site Plan Review Application, containing the information required by Section 53-30.4, and shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copies as follows: one to the Boston Redevelopment Authority and the other to the Boston Environment Department. The Boston Environment Department may, within forty-five (45) days after the date of such transmittal, file with the Boston Redevelopment Authority a report with recommendations, together with additional material, maps, or plans to aid the Boston Redevelopment Authority in determining consistency with the standards for approval set forth in Section 53-30.5. The Boston Redevelopment Authority shall not notify the Inspectional Services Department of its findings on the application for a Proposed Project until such report with recommendations has been received and considered, provided that if no such report is received within said forty-five (45) days, the Boston Redevelopment Authority may certify to the Inspectional Services Department its findings without such report. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the standards set forth in Section 53-30.5 or is not consistent with such standards; provided that if no such findings are transmitted to the Inspectional Services Department within sixty (60) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the standards set forth in Section 53-30.5 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 53-30 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.
3. Relationship to Article 31. When a Proposed Project is subject to the provisions of this Section 53-30 and also is subject to the provisions of Article 31, the site plan review required by this Section 53-30 may, at the election of the Applicant, be conducted as part of the development review required by Article 31. In such case, the Project Notification Form submitted to the Boston Redevelopment Authority pursuant to

Section 31-5.1 shall include a summary of each of the elements of the Site Plan Evaluation, as described in Section 53-30.4 below. The required scope of the Site Plan Review Application shall be addressed in the Scoping Determination issued pursuant to Section 31-5.2, and site plan review shall occur in the context of Article 31 as though the substantive submission and review requirements of this Section 53-30 were set forth as one of the development review components described in Section 31-5.2. The timing and procedure for review shall be as set forth in Article 31, rather than as set forth in Section 53-30.2, except that the Boston Redevelopment Authority shall transmit a copy of each development review submission received for such Proposed Project to the Boston Environment Department and consider all comments received within the comment periods required by Section 53-30.2. An Adequacy Determination for such Proposed Project pursuant to Section 31-5.6 shall not be issued unless the review standards of Section 53-30.5 have been satisfied.

4. Content of Site Plan Review Application. A Site Plan Review Application shall consist of the following:
 - (a) A survey map prepared by a registered surveyor showing topography at two-foot intervals, the location, caliper, and species of individual trees of 6-inch caliper or more, the location of other significant natural features on the site, including water courses, water bodies, wetlands, unusual gradients and geologic formations, plant communities, and wildlife habitats. Such survey plan shall also show existing structures, parking areas, driveways and other paved surfaces, and utility lines.
 - (b) Photographs showing the location and condition of significant natural features.
 - (c) A proposed site plan showing the Proposed Project and the anticipated location of other planned projects of the Applicant within the same Conservation Protection Subdistrict, together with planned grading and landscaping, streets, sidewalks, utilities, and other planned features of the site. Such site plan also shall show the extent to which significant natural features of the site will be preserved and protected.
 - (d) A drainage plan and soil report prepared by a registered engineer, when necessary to assess the drainage impacts of the proposed site plan on significant natural features.
 - (e) A proposed maintenance plan for the significant natural features of the site, including a statement of whose responsibility it will be for the performance of the program.

- (f) Any other information relating to the site plan of the Proposed Project and the preservation and protection of its significant natural features as requested by the Boston Redevelopment Authority.

The Boston Redevelopment Authority may waive one or more requirements set forth in subsections (a) through (f) of this Section 53-30.4 upon the written request of the Applicant if the Boston Redevelopment Authority determines that such requirements are unnecessary for evaluation purposes.

5. Standards for Site Plan Approval. This Section 53-30.5 establishes standards to be applied in review of a site plan for a Proposed Project that is subject to the provisions of this Section 53-30.
 - (a) The Proposed Project should result in the minimum practicable interference with significant natural features within a Conservation Protection Subdistrict consistent with development permitted by the applicable use and dimensional controls. To the extent thus consistent,
 - (i) elements of the Proposed Project should be sited away from the most significant natural features of the site; and
 - (ii) where it is necessary to disturb or reduce in area a significant wildlife habitat or plant community, reasonable restorative measures, or the replacement of such features elsewhere on the site, should be evaluated and undertaken if economically practicable. The preservation of existing vegetation is encouraged.
 - (b) Clustering of buildings and appropriate siting measures are encouraged to allow for the creation of larger contiguous open space areas and the preservation of significant natural features.
 - (c) For a steep slope, special consideration should be given to the preservation of scenic quality and to the prevention of hillside erosion and excessive runoff. Particular care should be taken where the steep slope area is part of the watershed of a creek, stream, brook, lake, pond, or wetland. Existing vegetation in steep areas should not be removed, destroyed, or damaged except pursuant to approved development and grading plans. An objective of such plans shall be to preserve the natural terrain and vegetation to the extent practicable by fitting street layouts and building designs to the natural terrain, and minimizing alterations of the natural grade.

- (d) Adequate provision should be made for proper management and maintenance of significant natural features and their immediate surroundings.
- (e) Site plan review shall take full account of reasonably foreseeable future development within the Conservation Protection Subdistrict. To discourage the improper segmentation of Proposed Projects, a criterion for the review of a site plan shall be its consistency with any previously approved site plan of the Applicant, or any predecessor in interest of the Applicant within the same Conservation Protection Subdistrict.

REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

SECTION 53-31. Establishment of Community Facilities Subdistricts. This Section 53-31 establishes Community Facilities ("CF") Subdistricts within the East Boston Neighborhood District. The purpose of the Community Facilities Subdistricts is to encourage the development and expansion of important community-based facilities in the East Boston Neighborhood District that provide health, educational, and cultural services to the community and are an important part of the fabric of the East Boston community. The following Community Facilities Subdistrict is established:

1. East Boston High School Community Facilities (CF) Subdistrict

SECTION 53-32. Use Regulations Applicable in Community Facilities Subdistricts. Within a Community Facilities Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden in a Community Facilities Subdistrict.

SECTION 53-33. Dimensional Regulations Applicable in Community Facilities Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Community Facilities Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table J of this Article.

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 53-34. Establishment of Open Space Subdistricts. This Section 53-34 establishes Open Space ("OS") Subdistricts in the East Boston Neighborhood District as indicated in Table 2, below. The purpose of the Open Space Subdistricts is to enhance the quality of life for East Boston's residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts).

1. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses, and are subject to provisions of Section 33-14.
2. Community Garden Open Space (OS-G) Subdistrict. Community Garden Open Space Subdistricts shall consist of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, and are subject to the provisions of Section 33-8.
3. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.
4. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10.
5. Shoreland Open Space (OS-SL) Subdistrict. Shoreland Open Space Subdistricts shall consist of land appropriate for and limited to that which borders on tidewater or the ocean, including land over which the tide ebbs and flows, or any bank, marsh, beach, dune, swamp, salt meadow, tidal flat, or other low land subject to tidal action or coastal storm flowage, and are subject to the provisions of Section 33-11.
6. Urban Plaza Open Space (OS-UP) Subdistrict. Urban Plaza Open Space Subdistricts shall consist of land appropriate for passive recreational uses, and are subject to the provisions of Section 33-15.

7. Urban Wild Open Space (OS-UW) Subdistricts. Urban Wild Open Space Subdistricts shall consist of land not in the City's park system which includes such features as undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuary, creek, river, stream, pond, or lake, or any land under said waters. Urban Wild Open Space Subdistricts are subject to the provisions of Section 33-12.
8. Waterfront Access Area Open Space (OS-WA) Subdistrict. Waterfront Access Area Open Space Subdistricts shall consist of land that abuts or lies under the waters of the Commonwealth within the jurisdiction of the City, and are subject to the provisions of Section 33-13. Notwithstanding any contrary provision of Section 33-13, such land within the East Boston Neighborhood District may be used for the operation of a lobster facility in accordance with Chapter 349 of the Acts of 1986, as amended.

TABLE 2

**Open Space Subdistricts
in the East Boston Neighborhood District**

| <u>Designation</u> | <u>Location/Name</u> |
|--------------------|--|
| Cemetery | Bennington Street Cemetery Ohabei Shalome Cemetery |
| Community Garden | Marginal Street Community Garden |
| Parkland | Brophy Park Golden Stairs Terrace London and Decater Streets Decater and Meridian Streets Prescott Square Putnam Square |
| Recreation | North Ferry Park Joe Porzio Park Lamson Street Playground Noyes Park American Legion Field East Boston Memorial Stadium Paris Street Playground McLean Playground Saratoga Street Playground |

Shoreland

Orient Heights Beach (Constitution
Beach)

Urban Plaza

Maverick Square
Central Square

Urban Wild

The Rockies
Belle Isle Marsh
Condor Street Crescent
Eagle Hill Park

Waterfront Access Area

Harborside Park

REGULATIONS APPLICABLE IN CORRIDOR ENHANCEMENT SUBDISTRICT

SECTION 53-35. Establishment of Corridor Enhancement Subdistrict. This Section 53-35 establishes a Corridor Enhancement ("CE") Subdistrict in the East Boston Neighborhood District. The Corridor Enhancement Subdistrict is established along the north-south spine of East Boston, a land corridor that has the potential to serve as a buffer area separating residential areas from industrial and commercial areas and as a corridor connecting residential neighborhoods to open space areas and the waterfront in the East Boston Neighborhood District. The purpose of the Corridor Enhancement Subdistrict is to promote the siting and design of any new development in a manner that is sensitive to the adjacent residential and open space areas.

The following Corridor Enhancement Subdistrict is established:

1. Central Corridor CE Subdistrict.

SECTION 53-36. Use Regulations Applicable in Corridor Enhancement Subdistrict. Within the Corridor Enhancement Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden for the Corridor Enhancement Subdistrict.

SECTION 53-37. Dimensional Regulations Applicable in Corridor Enhancement Subdistrict. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in the Corridor Enhancement Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table J of this Article.

REGULATIONS APPLICABLE IN THE
LOGAN INTERNATIONAL AIRPORT SUBDISTRICT

SECTION 53-38. Establishment of Logan International Airport Subdistrict.

This Section 53-38 establishes the Logan International Airport ("LIA") Subdistrict within the East Boston Neighborhood District. The purpose of this Subdistrict is to accommodate those uses necessary to the operation of an international airport while ensuring that such uses do not impose adverse impacts on traffic and parking in the residential, commercial, and waterfront areas of the East Boston Neighborhood District.

SECTION 53-39. Use Regulations Applicable in the Logan International Airport Subdistrict. Within the Logan International Airport Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table E of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table E is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table E for the proposed location of such use is forbidden in such location. Any use not included in Table E is forbidden in the Logan International Airport Subdistrict.

SECTION 53-40. Dimensional Regulations Applicable in the Logan International Airport Subdistrict. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in the Logan International Airport Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table M of this Article.

SECTION 53-41. Screening and Buffering Requirements Applicable in Logan International Airport Subdistrict. In order to ensure that airport uses are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 53-41 shall apply to all Proposed Projects for an airport use, except where provisions for adequate screening and buffering have been established for such Proposed Project through Article 31 development review, pursuant to Section 53-50 or by election, or where a screening and buffering plan for such Proposed Project has been submitted to the Boston Redevelopment Authority for approval. The provisions of Article 6A shall apply to the provisions of this Section 53-41.

Where any Lot line of a Proposed Project abuts another subdistrict, other than an Economic Development Area, Waterfront Manufacturing Subdistrict, or Waterfront Service Subdistrict, the portion of such Lot located within twenty-five (25) feet of such Lot line shall be devoted to open space, and such Proposed Project shall provide and maintain, within such open space, a strip of shrubs and trees of sufficient thickness and height to provide an appropriate noise buffer and visual screen, together with a fence or wall of appropriate size and materials to protect passersby and surrounding property from the airport use.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, and the selection of species shall be designed to provide adequate screening and buffering throughout all seasons. Landscaping required by this Section 53-41 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic.

There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 53-41.

REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

SECTION 53-42. Establishment of Neighborhood Design Overlay Districts.

This Section 53-42 establishes Neighborhood Design Overlay Districts ("NDOD") as overlays to certain Subdistricts within the East Boston Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentration of historic buildings within the Neighborhood Design Overlay Districts.

Design review regulations applicable within the Neighborhood Design Overlay Districts are set forth in Section 53-51. All use, dimensional and other provisions applicable to the underlying Subdistricts are applicable within the Neighborhood Design Overlay Districts.

The following Neighborhood Design Overlay Districts are established:

1. Belmont Square Neighborhood Design Overlay District. This district includes the largest concentration of intact historic buildings in the Belmont Square area and some of the first lots sold by the East Boston Company. Developed largely between 1840 and 1890, Belmont Square includes several architecturally notable examples of the Greek Revival style dating from the 1840s. The district also includes a number of ca. 1880 mansard double houses in the Victorian Gothic mode, as well as the Romanesque Revival Our Lady of the Assumption Catholic church (1869-1873).
2. Gove Street Neighborhood Design Overlay District. This self-contained residential district, comprising the largest concentration of brick residential buildings in East Boston, reflects the neighborhood's major population growth in the early 20th century. Encompassing roughly six blocks of three- and four-story brick apartment buildings, some with ground floor commercial space, the district is striking in its uniformity of design and scale. Beginning in 1905, many of the buildings in the district were constructed on speculation and designed in the Classical Revival style, with concrete or stone trim, arched doorways, and elaborate pressed metal cornices.
3. Putnam Square Neighborhood Design Overlay District. The Putnam Square Neighborhood Design Overlay District contains a significant concentration of architectural styles ranging from Greek Revival to Colonial Revival. The district, centered on Putnam Square, illustrates the major periods of growth in the Eagle Hill neighborhood of East Boston.
4. St. Andrew and Bayswater Neighborhood Design Overlay District. This three block district along St. Andrew Street is characterized by one- and two-family houses constructed in the early 20th century in the Colonial

Revival style. The district exhibits a high degree of architectural integrity and unity of scale.

SECTION 53-43. Establishment of Special Study Overlay Areas. This Section 53-43 establishes Special Study Overlay Areas ("SSOA") within the East Boston Neighborhood District. The purpose of the Special Study Overlay Areas is to identify those areas where further comprehensive planning studies may be appropriate. Such studies are appropriate in areas that at present are largely vacant or underutilized or that are devoted principally to a single large use, because such areas lack established patterns for coordinating a mix of land uses and for integrating streets, buildings, and open space. As planning studies are undertaken, further land use regulations may be proposed to implement their recommendations.

The following Special Study Overlay Areas are established:

1. Bremen Street/Orleans Street Rail Alignment Corridor. This Special Study Overlay Area overlays the Corridor Enhancement Subdistrict established in Section 53-35. This area is occupied principally by railway lines in partial use.
2. Central Square/Old Boston East. This Special Study Overlay Area overlays the Central Square Community Commercial Subdistrict established in Section 53-10 and the Central Square Waterfront Commercial Subdistrict established in Section 53-14. This area, located on the waterfront, is largely vacant and underutilized.
3. Suffolk Downs. This Special Study Overlay Area overlays the Suffolk Downs Economic Development Area established in Section 53-24, and includes the site of the Suffolk Downs Racetrack.

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

SECTION 53-44. Establishment of Areas Within Which Planned Development Areas May be Permitted. Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted within Conservation Protection Subdistricts and Economic Development Areas. PDAs are not permitted elsewhere in the East Boston Neighborhood District.

The purposes for establishing the areas specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to provide public benefits to the East Boston community, including the creation of new job opportunities and affordable housing; to allow for the diversification and expansion of Boston's and East Boston's economy through manufacturing, commercial, and scientific research and development uses; to protect the significant open space and significant natural features of areas in a Conservation Protection Subdistrict; to encourage economic development in the Economic Development Areas while ensuring public benefits and quality urban design by providing planning and design controls; to encourage economic development and commercial, manufacturing and industrial expansion; and to allow for the creation of affordable housing.

SECTION 53-45. Planned Development Areas: Use and Dimensional Regulations.

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan.
2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Building Height and Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 3, below:

TABLE 3

**East Boston Neighborhood District
Planned Development Areas
Dimensional Regulations**

| <u>Area</u> | <u>Maximum</u> | |
|--------------------------------------|------------------------|------------|
| | <u>Building Height</u> | <u>FAR</u> |
| McClellan Highway EDA | (1) | 2 |
| Saratoga Street EDA | 45 (2) | 2 |
| Suffolk Downs EDA | (1) | 2 |
| Conservation Protection Subdistricts | 45 | 0.5 |

- (1) Within 250 feet of a Street or Subdistrict boundary in the East Boston Neighborhood District, the Building Height shall not exceed fifty-five (55) feet.
- (2) Within 50 feet of a Street or Subdistrict boundary in the East Boston Neighborhood District, the Building Height shall not exceed thirty-five (35) feet.

SECTION 53-46. Planned Development Areas: Approval Process. This Section 53-46 establishes a process for approving Proposed Projects within Planned Development Areas.

1. **Development Plan Approval Process.** To establish a PDA, the Applicant must submit a Development Plan for the Proposed Project to the Boston Redevelopment Authority for its approval in accordance with Section 3-1A.a. A Proposed Project within a PDA may be located on multiple contiguous parcels or Lots, whether or not any portion of the Proposed Project on a particular parcel or Lot satisfies the provisions of this Article and Code, so long as a Proposed Project as a whole is consistent with the provisions of this Article and Code, including without limitation those relating to maximum Building Height and Floor Area Ratio.
2. **Boston Redevelopment Authority Review.** No later than sixty (60) days after the Applicant files a Development Plan, the Boston Redevelopment Authority shall approve the Development Plan, and authorize its Director to petition the Zoning Commission to approve the Development Plan and to designate the area of the Proposed Project as a PDA, or shall conditionally approve the Development Plan, or shall disapprove the Development Plan.

3. Community Participation. The Applicant shall provide the Boston Redevelopment Authority with a sufficient number of copies (up to fifty (50)) of the application for Development Plan approval to allow for distribution to interested parties. After receiving such application, the Boston Redevelopment Authority shall retain one copy of such application for its files and shall transmit copies to appropriate City departments and agencies and to community and neighborhood organizations in the East Boston Neighborhood District that have requested such materials. Within five (5) days after the Boston Redevelopment Authority has received such application, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the City, such notice to state the name of the applicant and identify the Development Plan area, and shall make copies of such application available generally to the public. Before it renders a decision on an application for Development Plan approval, the Boston Redevelopment Authority shall review timely comments and recommendations from the general public, neighborhood and community organizations in the East Boston Neighborhood District, and public agencies concerning the Development Plan's compliance with the approval standards set forth in Section 53-48 (which address Development Plan impacts). The BRA shall work toward resolution of issues raised in the public review process.
4. Zoning Commission Approval Only; No Board of Appeal Action Required. Upon approval of the Development Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Development Plan to the Zoning Commission for its consideration. The Zoning Commission may approve the Development Plan and establish a PDA if such PDA consists solely of land with respect to which an agreement has been or subsequently is entered into with the Boston Redevelopment Authority establishing use and dimensional controls as specified in the Development Plan. The Proposed Project, and the parcels or Lots and improvements thereon, that are the subject of the Development Plan shall be deemed to be in compliance with the provisions of this Article and Code, without the requirement of Board of Appeal action, so long as the same are consistent with the provisions of the approved Development Plan and, with respect to matters not covered by the approved Development Plan, consistent with the other applicable provisions of this Article and Code. Nothing in this Article shall be construed to limit the power of the Board of Appeal to grant Zoning Relief for Proposed Projects in PDAs, except that exceptions from the Building Height and FAR provisions set forth in Section 53-45 are not permitted.
5. Amendment of Development Plan. In a PDA, no Proposed Project shall proceed unless the Boston Redevelopment Authority has certified to the Commissioner of Inspectional Services that the Proposed Project is

consistent with the approved Development Plan, as amended from time to time, for such PDA or the portion thereof to which said work relates. The procedure for amendment of the Development Plan is the same procedure as the procedure for initial approval of a Development Plan, as set forth in Section 3-1A.a and in Section 53-46.1.

SECTION 53-47. Applicability of Future Amendments. The issuance of any permit for the development or construction of any portion of a Proposed Project that is proceeding in accordance with an approved Development Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the provision of Section 5 of said Chapter 665 that requires that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved Development Plan.

SECTION 53-48. Planned Development Areas: Standards for Development Plan Approval. Before transmittal to the Zoning Commission, a Development Plan shall have been approved by the Boston Redevelopment Authority after a public hearing; provided, however, that no Development Plan shall be approved unless the Boston Redevelopment Authority finds that: (a) such Development Plan complies with the provisions of Sections 53-44 through Section 53-49 (Regulations Applicable in Planned Development Areas); (b) such Development Plan conforms to the East Boston Neighborhood Plan and the general plan for the City as a whole; (c) each Proposed Project described in the Development Plan is in compliance with the Building Height and FAR limits set forth in Section 53-45; and (d) on balance, nothing in such Development Plan will be injurious to the East Boston neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

SECTION 53-49. Planned Development Areas: Public Benefits. The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the provisions of Section 53-48 if the Development Plan proposes a plan for public benefits, including one or more of the following: (a) diversification and expansion of Boston's economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; or (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (c) provision of Affordable Housing available to East Boston and Boston residents; or (d) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space connections to the waterfront, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.

REGULATIONS GOVERNING DEVELOPMENT AND DESIGN REVIEW

SECTION 53-50. Applicability of Article 31 Development Review. In order to ensure that growth in the East Boston Neighborhood District is compatible with the character of the buildings and landscape and that new development is of a quality that enhances the neighborhood visually and economically and is not damaging to environmental quality, the provisions of Article 31 (Development Review Requirements) apply to the following Proposed Projects.

1. Large Projects. Notwithstanding any provision of Section 31-4 to the contrary, the provisions of Article 31 (Development Review Requirements), other than Section 31-3, shall be applicable except where otherwise specified in this Article, to any Proposed Project to: (a) erect a Building or Structure having a Gross Floor Area of fifty thousand (50,000) or more square feet; (b) enlarge a Building or Structure so as to increase its Gross Floor Area by fifty thousand (50,000) or more square feet; or (c) establish or change the uses of a Gross Floor Area of fifty thousand (50,000) or more square feet; or (d) establish or change to conditional or forbidden uses the uses of a Gross Floor Area of fifty thousand (50,000) or more square feet.
2. Certain Projects in Tidelands and Waterfront Subdistricts. Notwithstanding any provision of Section 31-4 to the contrary, the provisions of Article 31 (Development Review Requirements), other than Section 31-3, shall be applicable as set forth in Section 53-19 (Waterfront Development Review) to any Proposed Project that is subject to Section 53-19.

The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to the provisions of this Section 53-50 unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with the applicable provisions of Article 31 and this Section 53-50.

SECTION 53-51. Design Review.

1. Applicability of Design Review. The provisions of this Section 53-51 shall apply only to those Proposed Projects specified in this Section 53-51 that are not otherwise subject to Article 31 development review, pursuant to Section 53-50.1 or by election.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority:

- (a) Projects Adding 20,000 Square Feet of Floor Area. Any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate Gross Floor Area of twenty

thousand (20,000) or more square feet, but not including any Proposed Project in a Maritime Economy Reserve Subdistrict. In the Local Industrial Subdistricts and the Economic Development Areas, the Boston Redevelopment Authority may waive the requirements of design review if the Boston Redevelopment Authority determines that the Proposed Project, when completed, will not be visible from a public street outside the Local Industrial Subdistricts and Economic Development Areas.

- (b) Certain Projects Adding Dwelling Units. Any Proposed Project for the construction of fifteen (15) or more Dwelling Units (but not including rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more Dwelling Units);
- (c) Certain Projects in Neighborhood Business Subdistricts, Neighborhood Design Overlay Districts, and Corridor Enhancement Subdistrict. Within the Neighborhood Business Subdistricts, Neighborhood Design Overlay Districts, and Corridor Enhancement Subdistrict, any Proposed Project for the erection or extension of a Building with a Gross Floor Area of three hundred (300) or more square feet, or for an exterior alteration affecting three hundred (300) or more square feet of a Building facade, if such new Building, extension, or facade alteration is visible from any public street or public open space; and
- (d) Certain Exterior Alterations in Neighborhood Design Overlay Districts. Within the Neighborhood Design Overlay Districts, any exterior alteration changing the roof shape, cornice line, Street Wall height, or Building Height of an existing Building.

The provisions of this Section 53-51 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project that is subject to the provisions of this Section 53-51 unless the Director of the Boston Redevelopment Authority certifies that the design for such Proposed Project is consistent with the design guidelines set forth in Section 53-51.4.

- 2. Procedure for Design Approval. Each application for a permit for a Proposed Project that is subject to design review by the Boston Redevelopment Authority pursuant to this Section 53-51 shall include a

Design Review Application, containing the information required by Section 53-51.3, and shall be filed in duplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copy to the Boston Redevelopment Authority. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the guidelines set forth in Section 53-51.4 or is not consistent with those guidelines; provided that if no such findings are transmitted to the Inspectional Services Department within thirty (30) days of the receipt by the Boston Redevelopment Authority of the completed Design Review Application for the Proposed Project, the Proposed Project shall be deemed to be consistent with the guidelines set forth in Section 53-51.4 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 53-51 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

3. Content of Design Review Application. A Design Review Application shall consist of such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project is consistent with the guidelines set forth in Section 53-51.4. Such materials shall set forth, for the existing conditions and for the Proposed Project: vehicular access and egress to and from the site; location and dimensions of all buildings, Structures, and parking and loading areas; relationships of primary buildings to secondary buildings; landscaping and screening; roof shapes, cornice lines, and roof structures; facade articulation, fenestration, and other architectural features; and proposed sign locations.
4. Design Guidelines. The Boston Redevelopment Authority shall review each Proposed Project that is subject to design review under this Section 53-54 for consistency with the following design guidelines.
 - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
 - (b) Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
 - (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.

- (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic architectural feature should be held to a minimum.
- (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural character of historically distinctive commercial buildings in the surrounding area.
- (f) For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian activity. Accordingly, an adequate landscaped buffer should be located along the frontage between the sidewalk edge and the Street Wall. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged.
- (g) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (h) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (i) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setback from streets, spacing among buildings, and orientation of openings to the street and neighboring structures. In addition, the location of the buildings should respect significant landscape features on the site.
- (j) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (k) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should

be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows, facing onto pedestrian areas, should be avoided to the extent practicable in building designs.

- (l) Storefronts and display windows should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.
- (m) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (n) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy.
- (o) A zone for signs on the building facade should be established, clearly defined by a change in facade color and/or materials or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.
- (p) Landscaping and screening should be used to make the business and industrial subdistricts more attractive and to provide screening between business, industrial, and residential uses.
- (q) In addition to the foregoing, design features of a Proposed Project should take into consideration any special characteristics of the site and its location and should enhance and reinforce any historic qualities of existing structures.

SECTION 53-52. Roof Structure Restrictions. No roofed structure designed or used for human occupancy, access (except as allowed in the following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing residential Building, or on the roof of a Building not

in residential use but originally built as a residential Building, if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.

An open roof deck may be erected on the main roof of a Building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum Building Height allowed by this Article for the location of the Building; and (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, two (2) feet for each foot of height of such appurtenant structure, from a roof edge that faces a Street more than twenty (20) feet wide.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the height of a building if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet.

SECTION 53-53. Specific Design Requirements. Except as otherwise expressly provided in this Article or Code, all Proposed Projects within those subdistricts specified in this Section 53-53 shall comply with the following design requirements, except to the extent that Street Wall and display window requirements have been addressed through Article 31 development review, or through design review pursuant to Section 53-51. The provisions of Article 6A shall be applicable to the provisions of this Section 53-53.

1. Street Wall Continuity in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts. This Section 53-53.1 shall apply within the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new Structure or the extension of an existing Structure, where such extension changes the location of a Street Wall.

In any Proposed Project that is subject to this Section 53-53.1, each newly constructed or relocated Street Wall shall be built to be coextensive

with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then, notwithstanding any contrary provision of Section 53-51, the Proposed Project shall be deemed to be subject to the design review provisions of Section 53-51 for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 53-53.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

2. Display Window Area Regulations in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts. This Section 53-53.2 shall apply in the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Section 53-53.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.
 - (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 53-53.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.
 - (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

- (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (iii) For Industrial Uses, and for Vehicular Uses involving the servicing or washing of vehicles, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use conducted on the premises.
- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 53-53.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner.

SECTION 53-54. Screening and Buffering Requirements. In order to enhance the appearance of East Boston's commercial and industrial subdistricts and to ensure that these subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 53-54 shall apply to those Proposed Projects described in this Section 53-54, except where provisions for adequate screening and buffering have been established for a Proposed Project through Article 31 development review, pursuant to Section 53-50 or by election, or through design review pursuant to Section 50-51. The provisions of Article 6A shall apply to the provisions of this Section 53-54.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts. Where any Lot line of a Proposed Project located in a Neighborhood Business Subdistrict or a Waterfront Commercial Subdistrict abuts (a) a public park, or (b) a Residential Subdistrict or a Waterfront Residential Subdistrict, and where any Lot line of a Proposed Project located in a Local Industrial Subdistrict, Economic Development Area, Corridor Enhancement Subdistrict, Waterfront Service Subdistrict, or Waterfront Manufacturing Subdistrict, abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Waterfront Residential Subdistrict, or (d) a Neighborhood Business Subdistrict or Waterfront Commercial Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, or subdistrict, a strip of shrubs and trees densely planted along the inside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the inside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line abutting a public street or public park, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict, Waterfront Residential Subdistrict, Neighborhood Business Subdistrict, or Waterfront Commercial Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Waterfront Residential Subdistrict, or (d) a Neighborhood Business Subdistrict or Waterfront Commercial Subdistrict, shall be screened from view as provided in this Section 53-54.2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be

necessary to screen such material or equipment from view from any public street or public open space.

3. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict or Waterfront Residential Subdistrict, or (d) a Neighborhood Business Subdistrict or Waterfront Commercial Subdistrict, shall be screened from view as provided in this Section 53-54.3. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
4. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
5. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board-type wood. The use of chain link fencing without wooden strips is discouraged except on small areas not facing major public streets. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
6. Specifications for Plantings. Shrubs required by this Section 53-54 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 53-54 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade), and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.
7. Maintenance of Landscaped Areas. Landscaping required by this Section 53-54 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and

maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 53-54.

MISCELLANEOUS PROVISIONS

SECTION 53-55. Sign Regulations. In the East Boston Neighborhood District, there shall not be any Sign except as provided in Article 11 (Signs), Section 53-51 (Design Review), and this Section 53-55.

1. Sign Regulations Applicable in Residential Subdistricts, Waterfront Residential Subdistricts, Conservation Protection Subdistricts, and Open Space Subdistricts. In all Residential and Waterfront Residential Subdistricts, Conservation Protection Subdistricts, and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.
2. Sign Regulations Applicable in All Subdistricts Other than Residential Subdistricts, Waterfront Residential Subdistricts, Conservation Protection Subdistricts, and Open Space Subdistricts. In all subdistricts other than Residential and Waterfront Residential Subdistricts, Conservation Protection Subdistricts, and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 53-55. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
 - (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.
 - (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4)

square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign which incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour.

- (c) Free-standing Signs. Free-standing Signs shall be permitted only for
(a) uses located in a Community Commercial Subdistrict, Local Industrial Subdistrict, or Economic Development Area, and
(b) Gasoline Stations. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of:
(i) fifteen (15) square feet, if there is one use on the Lot, or (ii) thirty (30) square feet, if there are two or more uses on the Lot. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those in existence on the effective date of this Article, is forbidden in the East Boston Neighborhood District.
- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, a canopy, or a marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

SECTION 53-56. Off-Street Parking and Loading. For any Proposed Project that is subject to or has elected to comply with the provisions of Article 31, required off-street parking spaces and off-street loading facilities shall be determined through development review in accordance with the provisions of Article 31. For all other Proposed Projects, the minimum required off-street parking spaces are set forth in Table N, and the minimum required off-street loading facilities are set forth in Table O.

- 1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a

Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.

2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its Gross Floor Area or the number of Dwelling Units, only the additional Gross Floor Area or the additional number of Dwelling Units shall be counted in computing the off-street parking facilities required.
3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. Location.
 - (a) Off-Street parking and loading spaces shall not be located in any part of the Front Yards or landscaped areas required by this Article.
 - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 53-56 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; and (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.
 - (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident,

will adequately meet the parking demand associated with the Proposed Project.

- (d) The off-street parking spaces required by this Article for a Dwelling Unit should be used by the vehicles for which such parking spaces are required.
5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:
- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic, and shall be accessible to physically handicapped persons. All lighting shall be so arranged as to shine downward and away from streets and residences.
 - (b) Such facilities, whether open or enclosed in a Structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
 - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 52-57. Application of Dimensional Requirements.

1. Exceptions to Minimum Lot Size Requirements. If the requirements of this Article with respect to Open Space and to Front, Rear, and Side Yards are met, the minimum Lot Size and minimum Lot Width requirements of this Article shall not prevent the construction, reconstruction, or alteration of a single family Dwelling, two-family Dwelling, or three-family Dwelling on any

Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this Article takes effect; provided that three-fourths (3/4) of the minimum Lot Size and minimum Lot Width requirements are met and that such use is an allowed use in the subdistrict. This exception shall apply regardless of whether a Lot meets the Lot Size and Lot Width requirements for a lesser number of Dwelling Units than is proposed.

2. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
3. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.
4. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
5. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 53-57. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
6. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the

minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.

7. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one-half (1-1/2) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than five (5) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.
8. Accessory Buildings in Rear Yards. Accessory Buildings may be erected in a Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any side Lot line.
9. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
10. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
11. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.
12. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings, and parapets of such Structure, shall not extend more than five (5) feet above Grade.

13. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 53-57.13 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 53-57.13 were met.
14. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings or Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 53-58. Nonconformity as to Dimensional Requirements. A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 53-59. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 53-60. Severability. The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 53-61. Definitions. Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 53-62. Tables and Appendix. The following tables and appendix are hereby made part of this Article:

Tables A - E Use Regulations

- A - Residential Subdistricts
 Waterfront Residential Subdistricts
- B - Neighborhood Business Subdistricts
- C - Waterfront Manufacturing Subdistricts
 Waterfront Service Subdistricts
 Waterfront Commercial Subdistricts
 Maritime Economy Reserve Subdistricts
- D - Conservation Protection Subdistricts
 Corridor Enhancement Subdistrict
 Community Facilities Subdistricts
 Waterfront Community Facilities Subdistricts
 Local Industrial Subdistricts
 Economic Development Areas
- E - Logan International Airport Subdistrict

Tables F - M Dimensional Regulations

- F - Residential Subdistricts
 Waterfront Residential Subdistricts
- G - Neighborhood Business Subdistricts
- H - Maritime Economy Reserve Subdistricts
 Waterfront Manufacturing Subdistricts
 Waterfront Service Subdistricts
 Waterfront Commercial Subdistricts
- I - Conservation Protection Subdistricts
- J - Corridor Enhancement Subdistrict
 Community Facilities Subdistricts
- K - Local Industrial Subdistricts
- L - Economic Development Areas
- M - Logan International Airport Subdistrict

Tables N - O Parking and Loading Regulations

- N - Off-Street Parking Requirements
- O - Off-Street Loading Requirements

Appendix A - Water-Dependent Uses and Facilities of Public Accommodation.

APPENDIX A to ARTICLE 53

Water-Dependent Uses

- Water-Dependent industrial uses;
- Facilities for fishing, swimming, diving, and other water-based recreational activities;
- Parks, esplanades, boardwalks, and other pedestrian facilities that promote public use and enjoyment of the water and are located at or near the water's edge;
- Aquariums and other cultural, educational, research, or training facilities dedicated primarily to marine purposes;
- Aquaculture facilities;
- Navigation aids, marine police and fire stations, and other waterways public safety and law enforcement facilities;
- Shore protection structures, such as seawalls, bulkheads, revetments, dikes, breakwaters, rip rap, water deflectors, and the like;
- Waterborne passenger transportation facilities, such as those serving ferries, cruise ships, commuter and excursion boats, and water shuttles and taxis;
- Marinas, boat basins, Boat Rental Establishments, boating or sailing school, channels, storage areas, and other facilities and establishments for commercial or recreational boating.

Facilities of Public Accommodation

A "Facility of Public Accommodation" means a facility, including a commercial facility, at which goods or services are made available directly to the general public. Facilities of Public Accommodation include, but are not limited to:

- Lunch room, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio, and television;
- Place for sale and consumption of food and beverages (other than drive-in restaurant) providing dancing or entertainment or both, provided that such establishment is customarily open to the public at large and does not exclude any minor by reason of age as a prevailing practice;
- Theater;
- Lobbies and public areas of a hotel or motel;
- Library, museum, aquarium, educational, historical, or cultural institution open to the public;
- Adult education center, community center, or other interior space dedicated to the programming of community meetings, informational displays, special recreational events, or other public activities;

Store primarily serving the local retail business needs of the residents of the neighborhood, including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware, and minor household appliances, but not including packaged alcoholic beverages;

Department store, furniture store, general merchandise mart, or other store serving general retail business needs of a major part of the city, including accessory storage;

Barber shop, beauty shop, shoe repair shop, self-service laundry, pick-up and delivery station of laundry or dry-cleaner, or similar use;

Tailor shop or hand laundry;

Caterer's establishment, photographer's studio, upholsterer's shop, carpenter's shop, or electrician's shop;

Day care facility;

Sports or physical fitness facility open to the public; and

Interior facility for waterborne public transportation facilities, recreational marina, boat rental establishment, recreational sailing or boating school, or other recreational boating facility or establishment.

TABLE A

East Boston Neighborhood District Use Regulations in Residential Subdistricts

Key: A=Allowed, C=Conditional, F=Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|---|---------------------------------|---------------------------------|-----------------------------------|--|--|
| <u>Banking and Postal Uses</u> | | | | | |
| Automatic teller machine | F | F | F | F | F |
| Bank | F | F | F | F | F |
| Drive-in bank | F | F | F | F | F |
| Post office | F | F | F | F | F |
| <u>Community Uses</u> | | | | | |
| Adult education center | F | F | F | F | F ² |
| Community center | F | F | F | F | F ² |
| Day care center | C ³ | C ³ | C ³ | C ³ | C ^{2,3} |
| Day care center, elderly | C ³ | C ³ | C ³ | C ³ | C ^{2,3} |
| Library | F | F | C | A | A |
| Place of worship, monastery; convent; parish house | A | A | A | A | A |
| <u>Cultural Uses</u> | | | | | |
| Art gallery | F | F | F | F | C ^{2,3} |
| Art use | F | F | F | F | F ² |

TABLE A - Continued

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|---|---------------------------------|---------------------------------|-----------------------------------|--|--|
| <u>Cultural Uses (cont'd)</u> | | | | | |
| Auditorium | F | F | F | F | F ² |
| Cinema | F | F | F | F | F ² |
| Concert hall | F | F | F | F | F ² |
| Museum | F | F | F | F | F ² |
| Public art, display space | F | F | F | F | F ² |
| Studios, arts | F | F | F | F | C ³ |
| Studios, production | F | F | F | F | F |
| Theatre | F | F | F | F | F ² |
| Ticket sales | F | F | F | F | F ² |
| <u>Dormitory/Fraternity Uses</u> | | | | | |
| Dormitory not accessory to a use | F | F | F | F | F |
| Fraternity | F | F | F | F | F |
| <u>Educational Uses</u> | | | | | |
| College or university | F | F | F | F | F |
| Elementary or secondary school ⁴ | C | C | C | C | C |
| Kindergarten | C | C | C | C | C |
| Professional school | F | F | F | F | C |
| Trade school | F | F | F | F | C |

Multifamily Residential/
Local Services (MFR/LS)¹
and
Waterfront Residential¹
(WR)

Multifamily
Residential¹
(MFR)

Three Family¹
(3F)

Two Family¹
(2F)

One Family¹
(1F)

Entertainment and Recreational Uses

| | | | | | |
|---|---|---|---|---|----------------|
| Adult entertainment | F | F | F | F | F |
| Amusement game machines in commercial establishment | F | F | F | F | F ² |
| Amusement game machines in non-commercial establishment | F | F | F | F | F ² |
| Bar ⁵ | F | F | F | F | F ² |
| Bar with live entertainment ⁵ | F | F | F | F | F ² |
| Bowling alley | F | F | F | F | F ² |
| Billiard parlor | F | F | F | F | F ² |
| Dance hall | F | F | F | F | F ² |
| Drive-in theatre | F | F | F | F | F |
| Fitness center or gymnasium | F | F | F | F | F ² |
| Private club not serving alcohol | F | F | F | F | C ³ |
| Private club serving alcohol | F | F | F | F | C ³ |
| Restaurant with live entertainment, not operating after 10:30 p.m. | F | F | F | F | F ² |
| Restaurant with live entertainment, operating after 10:30 p.m. ⁵ | F | F | F | F | F ² |

Funerary Uses

| | | | | | |
|-----------------|---|---|---|---|---|
| Cemetery | C | C | C | C | C |
| Columbarium | C | C | C | C | C |
| Crematory | C | C | C | C | C |
| Funeral home | F | F | F | F | F |
| Mortuary chapel | C | C | C | C | C |

TABLE A - Continued

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|---|---------------------------------|---------------------------------|-----------------------------------|--|--|
| <u>Health Care Uses</u> | | | | | |
| Clinic | F | F | F | F | C ³ |
| Clinical laboratory | F | F | F | F | F |
| Custodial care facility | C | C | C | C | C |
| Group residence, general | C | C | C | C | C |
| Hospital | F | F | F | F | F |
| Nursing or convalescent home | C | C | C | A | A |
| <u>Hotel and Conference Center Uses</u> | | | | | |
| Bed and breakfast | C | C | C | C | C |
| Conference center | F | F | F | F | F |
| Executive suites | F | F | F | F | F |
| Hotel | F | F | F | F | F |
| Motel | F | F | F | F | F |
| <u>Industrial Uses</u> | | | | | |
| Artists' mixed-use | F | F | F | F | F |
| Cleaning plant | F | F | F | F | F |
| General manufacturing use | F | F | F | F | F |
| Light manufacturing use | F | F | F | F | F |
| Printing plant | . | | | | |
| Restricted industrial use | F | F | F | F | F |

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|--|---------------------------------|---------------------------------|-----------------------------------|--|--|
| <u>Office Uses</u> | | | | | |
| Agency or professional office | F | F | F | F | F |
| General office | F | F | F | F | F |
| Office of wholesale business | F | F | F | F | F |
| <u>Open Space Uses</u> | | | | | |
| Golf driving range | F | F | F | F | F |
| Grounds for sports, private | F | F | F | F | F |
| Open space | A | A | A | A | A |
| Open space recreational building | C | C | C | C | C |
| Outdoor place of recreation for profit | F | F | F | F | F |
| Stadium | F | F | F | F | F |
| <u>Public Service Uses</u> | | | | | |
| Automatic telephone exchange ⁴ | C | C | C | C | C |
| Courthouse ⁴ | C | C | C | C | C |
| Fire station ⁴ | A | A | A | A | A |
| Penal institution | F | F | F | F | F |
| Police station ⁴ | A | A | A | A | A |
| Pumping station ⁴ | F | F | F | F | F |
| Recycling facility (excluding facilities handling toxic waste) | F | F | F | F | F |

TABLE A - Continued

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|---|---------------------------------|---------------------------------|-----------------------------------|--|--|
| <u>Public Service Uses (cont'd)</u> | | | | | |
| Solid waste transfer station | F | F | F | F | F |
| Sub-station ⁴ | F | F | F | F | F |
| Telephone exchange | F | F | F | F | F |
| <u>Research and Development Uses⁶</u> | | | | | |
| Research laboratory | F | F | F | F | F |
| Product development or prototype manufacturing | F | F | F | F | F |
| <u>Residential Uses⁷</u> | | | | | |
| Congregate living complex | F | F | F | C | C |
| Elderly housing | F | F | F | A | A |
| Group residence, limited | A | A | A | A | A |
| Lodging house | F | F | C | C | C |
| Mobile home | F | F | F | F | F |
| Mobile home park | F | F | F | F | F |
| Multi-family dwelling | F | F | F | A | A |
| One family detached dwelling | A | A | A | A | A |
| One family semi-attached dwelling | F | A | A | A | A |
| Orphanage | F | F | F | C | C |
| Rowhouse | F | F | A | A | A |
| Temporary dwelling structure | C | C | C | C | C |
| Three family detached dwelling | F | F | A | A | A |

TABLE A - Continued

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|---|---------------------------------|---------------------------------|-----------------------------------|--|--|
| <u>Residential Uses (cont'd)</u> | | | | | |
| Townhouse | F | F | A | A | A |
| Transitional housing or homeless shelter | C | C | C | C | C |
| Two family detached dwelling | F | A | A | A | A |
| Two family semi-attached dwelling | F | F | A | A | A |
| <u>Restaurant Uses⁸</u> | | | | | |
| Drive-in restaurant | F | F | F | F | F |
| Restaurant | F | F | F | F | C ³ |
| Take-out restaurant | | | | | |
| Small ⁹ | F | F | F | F | C ³ |
| Large ⁹ | F | F | F | F | F |
| <u>Retail Uses¹⁰</u> | | | | | |
| Adult bookstore | F | F | F | F | F |
| Bakery | F | F | F | F | C ³ |
| General retail business | F | F | F | F | F ² |
| Liquor store | F | F | F | F | C ³ |
| Local retail business | F | F | F | F | A ³ |
| Outdoor sale of garden supplies | F | F | F | F | C ³ |

TABLE A - Continued

| Service Uses ¹⁰ | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|---|---------------------------------|---------------------------------|-----------------------------------|--|--|
| Animal hospital | F | F | F | F | F |
| Barber or beauty shop | F | F | F | F | C ³ |
| Caterer's establishment | F | F | F | F | F |
| Dry-cleaning shop | F | F | F | F | C ³ |
| Kennel | F | F | F | F | F |
| Laundry, retail | F | F | F | F | C ³ |
| Laundry, self-service | F | F | F | F | C ³ |
| Photocopying establishment | F | F | F | F | C ³ |
| Shoe repair | F | F | F | F | C ³ |
| Tailor shop | F | F | F | F | C ³ |
| <u>Storage Uses, Major</u> | | | | | |
| Enclosed storage of solid fuel or minerals ¹¹ | F | F | F | F | F |
| Outdoor storage of solid fuel or minerals ¹¹ | F | F | F | F | F |
| Outdoor storage of new materials | F | F | F | F | F |
| Outdoor storage of damaged or disabled vehicles | F | F | F | F | F |
| Outdoor storage of junk and scrap | F | F | F | F | F |
| Storage of flammable liquids and gases | | | | | |
| Small ¹² | F | F | F | F | F |
| Large ¹² | F | F | F | F | F |

TABLE A - Continued

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|-------------------------------------|---------------------------------|---------------------------------|-----------------------------------|--|--|
| <u>Storage Uses, Major (cont'd)</u> | | | | | |
| Warehousing | F | F | F | F | F |
| Wrecking yard | F | F | F | F | F |
| <u>Trade Uses¹⁰</u> | | | | | |
| Carpenters shop | F | F | F | F | C ³ |
| Electrician's shop | F | F | F | F | C ³ |
| Machine shop | F | F | F | F | C ³ |
| Photographer's studio | F | F | F | F | C ³ |
| Plumber's shop | F | F | F | F | C ³ |
| Radio/television repair | F | F | F | F | C ³ |
| Upholsterer's shop | F | F | F | F | C ³ |
| Welder's shop | F | F | F | F | C ³ |
| <u>Transportation Uses</u> | | | | | |
| Airport | F | F | F | F | F |
| Bus terminal | F | F | F | F | F |
| Garage with dispatch | F | F | F | F | F |
| Helicopter landing facility | F | F | F | F | F |
| Motor freight terminal | F | F | F | F | F |
| Rail freight terminal | F | F | F | F | F |
| Railroad passenger station | F | F | F | F | F |
| Water terminal - freight | F | F | F | F | F |
| Water terminal - passenger | F | F | F | F | F ² |

TABLE A - Continued

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|---|---------------------------------|---------------------------------|-----------------------------------|--|--|
| <u>Vehicular Uses</u> | | | | | |
| Bus servicing or storage | F | F | F | F | F |
| Carwash | F | F | F | F | F |
| Gasoline station | F | F | F | F | F |
| Indoor sale and installation of automotive parts | F | F | F | F | F |
| Indoor sale of automobiles and trucks | F | F | F | F | F |
| Outdoor sale of new and used vehicles | F | F | F | F | F |
| Parking garage | F | F | F | F | F |
| Parking lot | F | F | F | F | F |
| Rental agency for cars | F | F | F | F | F |
| Rental agency for trucks | F | F | F | F | F |
| Repair garage | F | F | F | F | F |
| Truck servicing or storage | F | F | F | F | F |
| <u>Wholesale Uses</u> | | | | | |
| Wholesale business | F | F | F | F | F |

Multifamily Residential/
Local Services (MFR/LS)¹
and
Waterfront Residential¹
(WR)

Multifamily
Residential¹
(MFR)

Three Family¹
(3F)

Two Family¹
(2F)

One Family¹
(1F)

Waterfront Service Uses

Dock, slip, pier, wharf anchorage,
or moorage for commercial or
recreational vessels awaiting
servicing, provisioning, off-
loading, or delivery

Use, hire, or charter of any
commercial Vessel

Boat and marine motor service and
repair or sales and display

Boatyard

Non-seasonal dry storage of vessels

Sale of marine fuel, marine hardware,
or boating or diving supplies and
equipment

Navigation aids and facilities

Wet or dry storage or berthing of
any commercial vessel

Installation, repair, or servicing
of boating accessories, marine
equipment, marine instruments, or
marine motors

Marine shop, electrical shop, or
similar use for the repair and
maintenance of vessels

| | | | | |
|---|---|---|---|---|
| F | F | F | F | F |
| F | F | F | F | F |
| F | F | F | F | F |
| F | F | F | F | F |
| F | F | F | F | F |
| F | F | F | F | F |
| F | F | F | F | F |
| F | F | F | F | F |
| F | F | F | F | F |
| F | F | F | F | F |

TABLE A - Continued

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|--|---------------------------------|---------------------------------|-----------------------------------|--|--|
| <u>Waterfront Service Uses</u> | | | | | |
| Hoist, lift, ramp, davit, or other structure to haul or move a vessel between water and land and not used by the public generally | F | F | F | F | F |
| Groin, breakwater, wave deflector, or other structure that protects an area used for dockage or moorage | F | F | F | F | C |
| Aquaculture facility | F | F | F | F | F |
| Boat rental establishment | F | F | F | F | C |
| Flood, water level, or tidal control facility | F | F | F | F | F |
| Marine research and training institute | F | F | F | F | F |
| Public boat ramp | F | F | F | F | F |
| Recreational marina, rack, dry stack, or landslide facility for seasonal dry storage of private pleasure craft vessels; provided that the number of slips and spaces associated with any such facility does not exceed twenty (20) | F | F | F | F | C |

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|--|---------------------------------|---------------------------------|-----------------------------------|--|--|
| <u>Waterfront Service Uses</u> | | | | | |
| Recreational marina, or rack, dry stack, or landslide facility for seasonal dry storage of private pleasure craft vessels, if the number of slips and spaces associated with such facility exceeds twenty (20) | F | F | F | F | F |
| Enclosed storage or wholesaling of fish and seafoods, provided such use is not within fifty (50) feet of a Residential Subdistrict | F | F | F | F | F |
| Facilities associated with marine terminals for the storage of goods transported in waterborne commerce | F | F | F | F | F |
| <u>Maritime-Dependent Facilities</u> | | | | | |
| Manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce | F | F | F | F | F |
| Wharves, piers, docks, and storage facilities for the commercial fishing industry | F | F | F | F | F |

TABLE A - Continued

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|--|---------------------------------|---------------------------------|-----------------------------------|--|--|
|--|---------------------------------|---------------------------------|-----------------------------------|--|--|

Maritime-Dependent Facilities (cont'd)

Drydocks and other facilities related to the construction, servicing, storage, maintenance, or repair of vessels and other marine structures

Other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction

Accessory and Ancillary Uses

In each subdistrict of the East Boston Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

| | | | | | |
|--|---|---|---|---|----------------|
| Accessory amusement game machines (not more than four) | | | | | |
| in commercial or non-commercial establishment | F | F | F | F | F ² |
| Accessory art use | C | C | C | C | C |
| Accessory automatic teller machine | F | F | F | F | C ³ |

TABLE A - Continued

| | One Family ¹ (1F) | Two Family ¹ (2F) | Three Family ¹ (3F) | Multifamily Residential ¹ (MFR) | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) |
|--|---------------------------------|---------------------------------|-----------------------------------|--|--|
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | | |
| Accessory bus servicing or storage | F | F | F | F | F |
| Accessory cafeteria | F | F | F | F | F ² |
| Accessory cultural uses | F | F | F | F | F ² |
| Accessory dormitory | F | F | F | F | F |
| Accessory drive-through restaurant | F | F | F | F | F |
| Accessory drive-through retail | F | F | F | F | F |
| Accessory family day care home | A | A | A | A | A |
| Accessory home occupation | A | A | A | A | A |
| Accessory industrial use | F | F | F | F | F |
| Accessory keeping of animals other than laboratory animals | F | F | F | F | F |
| Accessory keeping of laboratory animals ⁶ | F | F | F | F | F |
| Accessory machine shop | F | F | F | F | F |
| Accessory manufacture of products | F | F | F | F | F |
| Accessory offices | F | F | F | F | F |
| Accessory offices for university | F | F | F | F | F |
| Accessory outdoor cafe | F | F | F | F | F ² |
| Accessory parking | A | A | A | A | A |
| Accessory personnel quarters | F | F | F | A | A |
| Accessory printing | F | F | F | F | F |

TABLE A - Continued

| Accessory and Ancillary Uses (cont'd) | One Family ¹ (1F) | | | | | Two Family ¹ (2F) | | Three Family ¹ (3F) | | Multifamily Residential ¹ (MFR) | | Multifamily Residential/ Local Services (MFR/LS) ¹ and Waterfront Residential ¹ (WR) | |
|--|---------------------------------|--|--|--|--|---------------------------------|--|-----------------------------------|--|---|--|--|--|
| | | | | | | | | | | | | | |
| Accessory professional office in a dwelling | A | | | | | A | | A | | A | | A | |
| Accessory railroad storage yard | F | | | | | F | | F | | F | | F | |
| Accessory recycling | F | | | | | F | | F | | C | | C | |
| Accessory repair garage | F | | | | | F | | F | | F | | F | |
| Accessory retail | F | | | | | F | | F | | F | | F ² | |
| Accessory service uses | F | | | | | F | | F | | F | | C | |
| Accessory services for apartment and hotel residents | F | | | | | F | | F | | A | | A | |
| Accessory services incidental to educational uses other than college or university use | F | | | | | F | | F | | F | | F | |
| Accessory storage of flammable liquids and gases | | | | | | | | | | | | | |
| Small ¹² | A | | | | | A | | A | | A | | A | |
| Large ¹² | F | | | | | F | | F | | F | | F | |
| Accessory storage or transfer of toxic waste | F | | | | | F | | F | | F | | F | |
| Accessory swimming pool or tennis court ¹³ | A | | | | | A | | A | | A | | A | |
| Accessory trade uses | F | | | | | F | | F | | F | | F | |
| Accessory truck servicing or storage | F | | | | | F | | F | | F | | F | |
| Accessory wholesale business | F | | | | | F | | F | | F | | F | |
| Ancillary use ¹⁴ | C | | | | | C | | C | | C | | C | |

1. Notwithstanding any contrary provision of this Table A, the provisions of Sections 53-13 through 53-20 (Regulations Applicable on Tidelands and in Waterfront Subdistricts) apply to any use that is located (a) on Tidelands subject to Chapter 91 of the Massachusetts General Laws, or (b) in any Waterfront Subdistrict.
2. Where designated "C," such use is allowed within a Waterfront Residential Subdistrict, provided such use is located on the ground floor. Where designated "F," such use is conditional within a Waterfront Residential Subdistrict, provided such use is located on the ground floor.
3. Where designated "A" or "C," provided that such use is located on the ground floor, or in a basement with a separate entrance; otherwise forbidden.
4. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
5. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
6. Provided that any such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
7. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
8. Where a Restaurant Use is designated "A" or "C," it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
9. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
10. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.

TABLE A - Continued

11. Provided that all dust and dirt incident to storage or handling is effectively confined to the Lot, and provided also that any material stored outdoors to a height greater than four (4) feet above Grade level is surrounded by a wall or tight fence not less than seven (7) feet high.
12. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
13. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
14. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which is it ancillary.

East Boston Neighborhood District Use Regulations in Neighborhood Business Subdistricts

Key: A=Allowed, C=Conditional, F=Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

| | <u>Neighborhood Shopping¹</u> | | <u>Community Commercial¹</u> | |
|---|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Banking and Postal Uses</u> | | | | |
| Automatic teller machine | C | F | A | F |
| Bank | A | A | A | A |
| Drive-in bank | F | F | C | F |
| Post office | A | C | A | C |
| <u>Community Uses</u> | | | | |
| Adult education center | A | A | A | A |
| Community center | A | A | A | A |
| Day care center | A | A | A | A |
| Day care center, elderly | A | A | A | A |
| Library | A | A | A | A |
| Place of worship; monastery; convent; parish house | A | A | A | A |
| <u>Cultural Uses</u> | | | | |
| Art gallery | A | C | A | A |
| Art use | C | C | A | A |
| Auditorium | F | F | F | F |
| Cinema | C | C | A | C |

TABLE B - Continued

| | <u>Neighborhood Shopping¹</u> | | <u>Community Commercial¹</u> | |
|---|--|---------------------------------|---|---------------------------------|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Cultural Uses (cont'd)</u> | | | | |
| Concert hall | C | C | A | C |
| Museum | A | A | A | A |
| Public art, display space | A | A | A | A |
| Studios, arts | A | A | A | A |
| Studios, production | C | C | C | C |
| Theatre | C | C | A | C |
| Ticket sales | A | C | A | C |
| <u>Dormitory/Fraternity Uses</u> | | | | |
| Dormitory not accessory to a use | F | F | F | F |
| Fraternity | F | F | F | F |
| <u>Educational and Recreational Uses</u> | | | | |
| College or university | C | C | C | C |
| Elementary or secondary school ² | A | A | A | A |
| Kindergarten | A | A | A | A |
| Professional school | C | C | C | A |
| Trade school | C | C | C | A |
| <u>Entertainment Uses</u> | | | | |
| Adult entertainment | F | F | F | F |
| Amusement game machines in commercial establishment | F | F | F | F |

| | Neighborhood Shopping ¹ | | Community Commercial ¹ | |
|--|------------------------------------|----------------------------|-----------------------------------|----------------------------|
| | Basement & First Story | Second Story & Above | Basement & First Story | Second Story & Above |

Entertainment Uses (cont'd)

| | | | | |
|--|---|---|---|---|
| Amusement game machines in non-commercial establishment | | | | |
| Bar ³ | F | F | F | F |
| Bar with live entertainment ³ | C | F | C | F |
| Bowling alley | F | F | C | F |
| Billiard parlor | C | F | A | F |
| Dance hall | C | C | C | C |
| Drive-in theatre | F | C | C | C |
| Fitness center or gymnasium | C | F | F | F |
| Private club not serving alcohol | C | C | A | C |
| Private club serving alcohol | C | C | C | C |
| Restaurant with live entertainment, not operating after 10:30 p.m. | C | F | A | C |
| Restaurant with live entertainment, operating after 10:30 p.m. ³ | F | F | C | C |

Funerary Uses

| | | | | |
|-----------------|---|---|---|---|
| Cemetery | | | | |
| Columbarium | F | F | F | F |
| Crematory | F | F | F | F |
| Funeral home | A | A | A | A |
| Mortuary chapel | A | A | A | A |

TABLE B - Continued

| | <u>Neighborhood Shopping¹</u> | | <u>Community Commercial¹</u> | |
|---|--|---------------------------------|---|---------------------------------|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Health Care Uses</u> | | | | |
| Clinic | A | C | A | A |
| Clinical laboratory | C | C | C | A |
| Custodial care facility | C | C | C | C |
| Group residence, general | C | C | C | C |
| Hospital | C | C | C | C |
| Nursing or convalescent home | C | A | C | A |
| <u>Hotel and Conference Center Uses</u> | | | | |
| Bed and breakfast | C | A | C | A |
| Conference center | F | F | F | F |
| Executive suites | C | C | C | C |
| Hotel | F | F | F | F |
| Motel | F | F | F | F |
| <u>Industrial Uses</u> | | | | |
| Artists' mixed-use | C | A | C | A |
| Cleaning plant | F | F | F | F |
| General manufacturing use | F | F | F | F |
| Light manufacturing use | F | F | F | F |
| Printing plant | F | F | F | F |
| Restricted industrial use | F | F | F | F |

| | <u>Neighborhood Shopping¹</u> | | <u>Community Commercial¹</u> | |
|--|--|---------------------------------|---|---------------------------------|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Office Uses</u> | | | | |
| Agency or professional office | A | A | A | A |
| General office | A | A | A | A |
| Office of wholesale business | A | C | A | C |
| <u>Open Space Uses</u> | | | | |
| Golf driving range | F | F | F | F |
| Grounds for sports, private | F | F | F | F |
| Open space | A | A | A | A |
| Open space recreational building | A | A | A | A |
| Outdoor place of recreation for profit | C | C | C | C |
| Stadium | F | F | F | F |
| <u>Public Service Uses</u> | | | | |
| Automatic telephone exchange ² | C | C | C | C |
| Courthouse ² | C | C | C | C |
| Fire station ² | A | A | A | A |
| Penal institution | F | F | F | F |
| Police station ² | A | A | A | A |
| Pumping station ² | F | F | F | F |
| Recycling facility (excluding facilities handling toxic waste) | F | F | F | F |
| Solid waste transfer station | F | F | F | F |
| Sub-station ² | C | C | C | C |
| Telephone exchange | C | C | C | C |

TABLE B - Continued

| | <u>Neighborhood Shopping¹</u> | | <u>Community Commercial¹</u> | |
|--|--|---------------------------------|---|---------------------------------|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Research and Development Uses⁴</u> | | | | |
| Research laboratory | C | C | C | C |
| Product development or prototype manufacturing | C | C | C | F |
| <u>Residential Uses⁵</u> | | | | |
| Congregate living complex | C | A | C | A |
| Elderly housing | A | A | A | A |
| Group residence, limited | A | A | A | A |
| Lodging house | C | C | C | C |
| Mobile home | F | F | F | F |
| Mobile home park | F | F | F | F |
| Multi-family dwelling | A | A | A | A |
| One family detached dwelling | F | F | F | F |
| One family semi-attached dwelling | F | F | F | F |
| Orphanage | C | C | C | C |
| Rowhouse | F | F | F | F |
| Temporary dwelling structure | C | C | C | C |
| Three family detached dwelling | F | F | F | F |
| Townhouse | F | F | F | F |
| Transitional housing or homeless shelter | C | C | C | C |
| Two family detached dwelling | F | F | F | F |
| Two family semi-attached dwelling | F | F | F | F |

| | <u>Neighborhood Shopping¹</u> | | <u>Community Commercial¹</u> | |
|------------------------------------|--|---------------------------------|---|---------------------------------|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Restaurant Uses⁶</u> | | | | |
| Drive-in restaurant | F | F | F | F |
| Restaurant | A | C | A | A |
| Take-out restaurant | | | | |
| Small ⁷ | A | F | A | F |
| Large ⁷ | C | F | C | F |
| <u>Retail Uses⁸</u> | | | | |
| Adult bookstore | F | F | F | F |
| Bakery | A | F | A | C |
| General retail business | A | F | A | A |
| Liquor store | C | F | C | F |
| Local retail business | A | C | A | A |
| Outdoor sale of garden supplies | A | C | A | C |
| <u>Service Uses⁸</u> | | | | |
| Animal hospital | C | C | C | C |
| Barber or beauty shop | A | C | A | A |
| Caterer's establishment | C | C | C | C |
| Dry-cleaning shop | A | C | A | C |
| Kennel | F | F | F | F |
| Laundry, retail service | A | C | A | C |
| Laundry, self-service | A | C | A | C |
| Photocopying establishment | A | C | A | A |
| Shoe repair | A | C | A | A |
| Tailor shop | A | C | A | A |

TABLE B - Continued

| <u>Storage Uses, Major</u> | <u>Neighborhood Shopping¹</u> | | <u>Community Commercial¹</u> | |
|---|--|---------------------------------|---|---------------------------------|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| Enclosed storage of solid fuel or minerals ⁹ | F | F | F | F |
| Outdoor storage of solid fuel or minerals ⁹ | F | F | F | F |
| Outdoor storage of new materials | F | F | F | F |
| Outdoor storage of damaged or disabled vehicles | F | F | F | F |
| Outdoor storage of junk and scrap | F | F | F | F |
| Storage of flammable liquids and gases | F | F | F | F |
| Small ¹⁰ | F | F | F | F |
| Large ¹⁰ | F | F | F | F |
| Warehousing | F | F | F | F |
| Wrecking yard | F | F | F | F |
| <u>Trade Uses⁸</u> | | | | |
| Carpenters shop | A | C | A | A |
| Electrician's shop | A | C | A | A |
| Machine shop | A | C | A | A |
| Photographer's studio | A | A | A | A |
| Plumber's shop | A | C | A | A |
| Radio/television repair | A | C | A | A |
| Upholsterer's shop | A | C | A | A |
| Welder's shop | C | C | C | C |

Community Commercial¹

| | Basement & First Story | Second Story & Above |
|--|------------------------------|----------------------------|
|--|------------------------------|----------------------------|

Neighborhood Shopping

| | Basement & First Story | Second Story & Above |
|--|------------------------------|----------------------------|
|--|------------------------------|----------------------------|

Transportation Uses (cont'd)

| | | |
|-----------------------------|---|---|
| Airport | F | F |
| Bus terminal | F | F |
| Garage with dispatch | F | F |
| Helicopter landing facility | F | F |
| Motor freight terminal | F | F |
| Rail freight terminal | F | F |
| Railroad passenger station | F | F |
| Water terminal - freight | F | F |
| Water terminal - passenger | F | F |

Vehicular Uses¹¹

| | | |
|---|---|---|
| Bus servicing or storage | F | F |
| Carwash | C | F |
| Gasoline station | C | F |
| Indoor sale and installation of automotive parts | F | F |
| Indoor sale of automobiles and trucks | F | F |
| Outdoor sale of new and used vehicles | F | F |
| Parking garage | F | F |
| Parking lot | F | F |
| Rental agency for cars | F | F |
| Rental agency for trucks | F | F |
| Repair garage | F | F |
| Truck servicing or storage | F | F |

TABLE B - Continued

| | <u>Neighborhood Shopping¹</u> | | <u>Community Commercial¹</u> | |
|--|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Wholesale Uses</u> | | | | |
| Wholesale business | C | C | C | C |
| <u>Waterfront Service Uses</u> | | | | |
| Dock, slip, pier, wharf anchorage, or moorage for commercial or recreational vessels awaiting servicing, provisioning, off- loading, or delivery | F | F | F | F |
| Use, hire, or charter of any commercial Vessel | F | F | F | F |
| Boat and marine motor service and repair or sales and display | F | F | F | F |
| Boatyard | F | F | F | F |
| Non-seasonal dry storage of vessels | F | F | F | F |
| Sale of marine fuel, marine hardware, or boating or diving supplies and equipment | F | F | F | F |
| Navigation aids and facilities | F | F | F | F |
| Wet or dry storage or berthing of any commercial vessel | F | F | F | F |
| Installation, repair, or servicing of boating accessories, marine equipment, marine instruments, or marine motors | F | F | F | F |

| | Neighborhood Shopping ¹ | | Community Commercial ¹ | |
|--|------------------------------------|----------------------|-----------------------------------|----------------------|
| | Basement & First Story | Second Story & Above | Basement & First Story | Second Story & Above |
| <u>Waterfront Services Uses (cont'd)</u> | | | | |
| Marine shop, electrical shop, or similar use for the repair and maintenance of vessels | F | F | F | F |
| Hoist, lift, ramp, davit, or other structure to haul or move a vessel between water and land and not used by the public generally | F | F | F | F |
| Groin, breakwater, wave deflector, or other structure that protects an area used for dockage or moorage | F | F | F | F |
| Aquaculture facility | F | F | F | F |
| Boat rental establishment | F | F | F | F |
| Flood, water level, or tidal control facility | F | F | F | F |
| Marine research and training institute | F | F | F | F |
| Public boat ramp | F | F | F | F |
| Recreational marina, rack, dry stack, or landslide facility for seasonal dry storage of private pleasure craft vessels; provided that the number of slips and spaces associated with any such facility does not exceed twenty (20) | F | F | F | F |

TABLE B - Continued

| | <u>Neighborhood Shopping¹</u> | | | <u>Community Commercial¹</u> | | |
|--|---|---|--|---|---|--|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | | <u>Basement & First Story</u> | <u>Second Story & Above</u> | |
| <u>Waterfront Services Uses (cont'd)</u> | | | | | | |
| Recreational marina, or rack, dry stack, or landslide facility for seasonal dry storage of private pleasure craft vessels, if the number of slips and spaces associated with such facility exceeds twenty (20) | F | F | | F | F | |
| Enclosed storage or wholesaling of fish and seafoods, provided such use is not within fifty (50) feet of a Residential Subdistrict | F | F | | F | F | |
| Facilities associated with marine terminals for the storage of goods transported in waterborne commerce | F | F | | F | F | |
| <u>Maritime-Dependent Facilities</u> | | | | | | |
| Manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce | F | F | | F | F | |
| Wharves, piers, docks, and storage facilities for the commercial fishing industry | F | F | | F | F | |
| Drydocks and other facilities related to the construction, servicing, storage, maintenance, or repair of vessels and other marine structures | F | F | | F | F | |

TABLE B - Continued

| | <u>Neighborhood Shopping</u> ¹ | | <u>Community Commercial</u> | |
|---|---|---------------------------------|-----------------------------------|---------------------------------|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Maritime-Dependent Facilities (cont'd)</u> | | | | |
| Other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction | F | F | F | F |
| <u>Accessory and Ancillary Uses</u> | | | | |
| In each subdistrict of the East Boston Neighborhood District, an accessory use ordinarily incident to a law subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is a | | | | |
| Accessory amusement game machines (not more than four) in commercial or non-commercial establishment | C | C | C | C |
| Accessory art use | C | A | C | A |
| Accessory automatic teller machine | A | F | A | F |
| Accessory bus servicing or storage | F | F | F | F |
| Accessory cafeteria | A | A | A | A |
| Accessory cultural uses | A | A | A | A |
| Accessory dormitory | F | F | F | F |
| Accessory drive-through restaurant | F | F | F | F |
| Accessory drive-through retail | F | F | F | F |
| Accessory family day care home | A | A | A | A |

In each subdistrict of the East Boston Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

- Accessory amusement game machines (not more than four) in commercial or non-commercial establishment
- Accessory art use
- Accessory automatic teller machine
- Accessory bus servicing or storage
- Accessory cafeteria
- Accessory cultural uses
- Accessory dormitory
- Accessory drive-through restaurant
- Accessory drive-through retail
- Accessory family day care home

TABLE B - Continued

| | <u>Neighborhood Shopping¹</u> | | <u>Community Commercial¹</u> | |
|--|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | |
| Accessory home occupation | A | A | A | A |
| Accessory industrial use | F | F | F | F |
| Accessory keeping of animals other than laboratory animals | C | C | C | C |
| Accessory keeping of laboratory animals ⁴ | C | C | C | C |
| Accessory machine shop | F | F | F | F |
| Accessory manufacture of products | C | C | C | C |
| Accessory offices | A | A | A | A |
| Accessory offices for university | C | C | C | C |
| Accessory outdoor cafe ¹² | A | F | A | F |
| Accessory parking | A | C | A | C |
| Accessory personnel quarters | F | F | F | F |
| Accessory printing | F | F | F | F |
| Accessory professional office in a dwelling | A | C | A | C |
| Accessory railroad storage yard | F | F | F | F |
| Accessory recycling | C | C | C | C |
| Accessory repair garage | F | F | F | F |
| Accessory retail | A | C | A | A |
| Accessory scientific laboratory | F | F | F | F |
| Accessory services uses | A | A | A | A |
| Accessory services for apartment and hotel residents | F | F | F | F |
| Accessory services incidental to educational uses other than college or university use | C | C | C | C |

| | <u>Neighborhood Shopping¹</u> | | <u>Community Commercial¹</u> | |
|---|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | |
| Accessory storage of flammable liquids and gases | | | | |
| Small ¹⁰ | A | C | A | C |
| Large ¹⁰ | C | C | C | C |
| Accessory storage or transfer of toxic waste | F | F | F | F |
| Accessory swimming pool or tennis court ¹³ | A | A | A | A |
| Accessory trade use | A | A | A | A |
| Accessory truck servicing or storage | F | F | F | F |
| Accessory wholesale business | F | F | F | F |
| Ancillary use ¹⁴ | C | C | C | C |

1. Notwithstanding any contrary provision of this Table B, the provisions of Sections 53-13 through 53-20 (Regulations Applicable on Tidelands and in Waterfront Subdistricts) apply to any use located (a) on Tidelands subject to Chapter 91 of the Massachusetts General Laws, or (b) in any Waterfront Subdistrict.
2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
3. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.

TABLE B - Continued

4. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
6. Where a Restaurant Use is designated "A" or "C", it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
7. Small: total gross floor area not exceeding 2,500 square feet per restaurant; Large: total gross floor area exceeding 2,500 square feet per restaurant.
8. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
9. Provided that all dust and dirt incident to storage or handling is effectively confined to the Lot, and provided also that any material stored outdoors to a height greater than four (4) feet above Grade level is surrounded by a wall or tight fence not less than seven (7) feet high.
10. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
11. Where such use is designated "A", or "C", provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
12. Except conditional in Rear Yard abutting a Residential Subdistrict.
13. Provided such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate which is locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.

14. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

TABLE C

**East Boston Neighborhood District
Use Regulations in
Waterfront Manufacturing Subdistricts, Waterfront Service Subdistricts,
Waterfront Commercial Subdistricts,
and Maritime Economy Reserve (MER) Subdistricts (1),(2)**

Key: A = Allowed, C = Conditional, F = Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

| | Waterfront Manufacturing Subdistrict ² | Waterfront Service Subdistrict ² | Waterfront Commercial Subdistrict ² |
|---|---|---|---|
| | | | Basement & First Story |
| | | | Second Story & Above |
| <u>Banking and Postal Uses</u> | | | |
| Automatic teller machine | A | C | F |
| Bank | A ³ | C | A |
| Drive-in bank | F | F | F |
| Post office | A ³ | C | C |
| <u>Community Uses</u> | | | |
| Adult education center | C | A ⁴ | A |
| Community center | C | A ⁴ | A |
| Day care center | C | A ⁴ | A |
| Day care center, elderly | C | A ⁴ | A |
| Library | C | A ⁴ | A |
| Place of worship; monastery; convent; parish house | A | A | A |

| | Waterfront Manufacturing Subdistrict ² | Waterfront Service Subdistrict ² | Waterfront Commercial Subdistrict ² | |
|---|---|---|---|----------------------------|
| | | | Basement & First Story | Second Story & Above |
| <u>Cultural Uses</u> | | | | |
| Art gallery | F | A ⁴ | A | A |
| Art use | F | A ⁴ | A | A |
| Auditorium | F | F | F | F |
| Cinema | F | F | A | C |
| Concert hall | F | F | A | C |
| Museum | F | A ⁴ | A | C |
| Public art, display space | F | A ⁴ | A | A |
| Studios, arts | F | C | A | A |
| Studios, production | F | F | C | C |
| Theatre | F | F | A | C |
| Ticket sales | F | C | A | C |
| <u>Dormitory/Fraternity Uses</u> | | | | |
| Dormitory not accessory to a use | F | F | F | F |
| Fraternity | F | F | F | F |
| <u>Educational Uses</u> | | | | |
| College or university | F | F | C | C |
| Elementary or secondary school ⁵ | F | F | A | A |
| Kindergarten | F | F | A | A |
| Professional school | C | C | C | A |
| Trade school | C | C | C | A |

TABLE C - Continued

| | Waterfront Manufacturing Subdistrict ² | Waterfront Service Subdistrict ² | Waterfront Commercial Subdistrict ² | |
|---|---|---|---|----------------------------|
| | | | Basement & First Story | Second Story & Above |
| <u>Entertainment and Recreational Uses</u> | | | | |
| Adult entertainment | F | F | F | F |
| Amusement game machines in commercial establishment | C | F | F | F |
| Amusement game machines in non-commercial establishment | C | F | F | F |
| Bar ⁶ | F | F | C | F |
| Bar with live entertainment ⁶ | F | F | C | F |
| Bowling alley | F | F | A | F |
| Billiard parlor | F | F | C | C |
| Dance hall | F | F | C | C |
| Drive-in theatre | F | F | F | F |
| Fitness center or gymnasium | C | C | A | C |
| Private club not serving alcohol ⁷ | C | A | C | C |
| Private club serving alcohol ⁷ | C | A | C | C |
| Restaurant with live entertainment, not operating after 10:30 p.m. | C | C | A | C |
| Restaurant with live entertainment operating after 10:30 p.m. ⁶ | C | F | C | C |
| <u>Funerary Uses</u> | | | | |
| Cemetery | F | F | F | F |
| Columbarium | F | F | F | F |
| Crematory | F | F | F | F |
| Funeral home | F | F | F | F |
| Mortuary chapel | F | F | F | F |

| | Waterfront Manufacturing Subdistrict ² | Waterfront Service Subdistrict ² | Waterfront Commercial Subdistrict ² |
|--|---|---|---|
| | | | Basement & First Story |
| | | | Second Story & Above |

Health Care Uses

Clinic
 Clinical laboratory
 Custodial care facility
 Group care residence, general
 Hospital
 Nursing or convalescent home

| | | | |
|---|---|---|---|
| F | F | A | A |
| F | F | C | A |
| F | F | C | C |
| F | F | C | C |
| F | F | C | C |
| F | F | C | A |

Hotel and Conference Center Uses

Bed and breakfast
 Conference center
 Executive suites
 Hotel
 Motel

| | | |
|---|---|---|
| F | C | A |
| F | F | F |
| F | C | C |
| F | C | C |
| F | C | C |

Industrial Uses

Artists' mixed-use
 Cleaning plant
 General manufacturing use
 Light manufacturing use
 Printing plant
 Restricted industrial use

| | | | |
|---|---|---|---|
| C | C | C | A |
| C | F | F | F |
| A | F | F | F |
| A | A | F | F |
| C | F | F | F |
| C | F | F | F |

TABLE C - Continued

| | <u>Waterfront Manufacturing Subdistrict²</u> | <u>Waterfront Service Subdistrict²</u> | <u>Waterfront Commercial Subdistrict²</u> | |
|--|---|---|--|---|
| | | | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Office Uses</u> | | | | |
| Agency or professional office | C | F | A | A |
| General office | C | F | A | A |
| Office of wholesale business | A | C | A | C |
| <u>Open Space Uses</u> | | | | |
| Golf driving range | F | F | F | F |
| Grounds for sports, private | F | F | F | F |
| Open space | A | A | A | A |
| Open space recreational building | C | A | A | A |
| Outdoor place of recreation for profit | C | C | C | C |
| Stadium | F | F | F | F |
| <u>Public Service Uses</u> | | | | |
| Automatic telephone exchange ⁵ | F | F | C | C |
| Courthouse ⁵ | F | F | C | C |
| Fire station ⁵ | A | A | A | A |
| Penal institution | F | F | F | F |
| Police station ⁵ | A | A | A | A |
| Pumping station ⁵ | A | A | F | F |
| Recycling facility (excluding toxic waste) | C | C | F | F |
| Solid waste transfer station | F | F | F | F |
| Sub-station ⁵ | F | F | C | C |
| Telephone exchange | F | F | C | C |

TABLE C - Continued

| | <u>Waterfront Manufacturing Subdistrict²</u> | <u>Waterfront Service Subdistrict²</u> | <u>Waterfront Commercial Subdistrict²</u> | |
|--|---|---|--|---|
| | | | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Research and Development Uses⁸</u> | | | | |
| Research laboratory | A | | C | C |
| Product development or prototype manufacturing | A | C | C | F |
| <u>Residential Uses⁹</u> | | | | |
| Congregate living complex | F | F | C | A |
| Elderly housing | F | F | A | A |
| Group residence, limited | F | F | A | A |
| Lodging house | F | F | C | C |
| Mobile home | F | F | F | F |
| Mobile home park | F | F | F | F |
| Multi-family dwelling | F | F | C | A |
| One family detached dwelling | F | F | F | F |
| One family semi-attached dwelling | F | F | F | F |
| Orphanage | F | F | C | C |
| Rowhouse | F | F | F | F |
| Temporary dwelling structure | F | F | C | C |
| Three family detached dwelling | F | F | F | F |
| Townhouse | F | F | F | F |
| Transitional housing or homeless shelter | F | F | C | C |
| Two family detached dwelling | F | F | F | F |
| Two family semi-attached dwelling | F | F | F | F |

TABLE C - Continued

| | Waterfront Manufacturing Subdistrict ² | Waterfront Service Subdistrict ² | Waterfront Commercial Subdistrict ² |
|--------------------------------------|---|---|---|
| | | | Basement & First Story |
| | | | Second Story & Above |
| <u>Restaurant Uses</u> ¹⁰ | | | |
| Drive-in restaurant | F | F | F |
| Restaurant | A ³ | A ³ | A |
| Take-out restaurant | A | A | F |
| Small ¹¹ | F | C | F |
| Large ¹¹ | | | F |
| <u>Retail Uses</u> ¹² | | | |
| Adult bookstore | F | F | F |
| Bakery | C | C | C |
| General retail business | C | C | A |
| Liquor store | C | C | F |
| Local retail business | C | C | A |
| Outdoor sale of garden supplies | F | F | A |
| <u>Service Uses</u> ¹² | | | |
| Animal hospital | F | F | C |
| Barber or beauty shop | F | C | A |
| Caterer's establishment | F | C | C |
| Dry-cleaning shop | F | C | C |
| Kennel | F | F | F |
| Laundry, retail service | F | C | A |
| Laundry, self-service | F | C | A |

Service Uses¹² (cont'd)

Photocopying establishment
Shoe repair
Tailor shop

F F F
C C C

A A A
A A A

Storage Uses, Major

Enclosed storage of solid fuel or
minerals¹³
Outdoor storage of solid fuel or
minerals¹³
Outdoor storage of new materials
Outdoor storage of damaged or
disabled vehicles
Outdoor storage of junk and scrap
Storage of flammable liquids and
gases

C F A F C
F F F F F

F F F F F
F F F F F

Small¹⁴
Large¹⁴

Storage or transfer of toxic waste
Warehousing
Wrecking yard

C C F C F
C C F F F

F F F F F
F F F F F

Trade Uses¹²

Carpenters shop
Electrician's shop

A A
A A

A A
A A

TABLE C - Continued

| | Waterfront Manufacturing Subdistrict ² | Waterfront Service Subdistrict ² | Waterfront Commercial Subdistrict ² |
|---|---|---|---|
| | | | Basement & First Story |
| | | | Second Story & Above |
| <u>Trade Uses¹² (cont'd)</u> | | | |
| Machine shop | A | A | A |
| Photographer's studio | C | A | A |
| Plumber's shop | A | A | A |
| Radio/television repair | A | A | A |
| Upholsterer's shop | A | A | A |
| Welder's shop | A | A | C |
| <u>Transportation Uses</u> | | | |
| Airport | F | F | F |
| Bus terminal | F | F | F |
| Garage with dispatch | F | F | F |
| Helicopter landing facility | F | F | F |
| Motor freight terminal | C | F | F |
| Rail freight terminal | C | F | F |
| Railroad passenger station | F | F | F |
| Water terminal - freight | A | C | F |
| Water terminal - passenger | A | A | A |
| <u>Vehicular Uses¹⁵</u> | | | |
| Bus servicing or storage | F ¹⁶ | F | F |
| Carwash | F ¹⁶ | F | F |
| Gasoline station | F ¹⁶ | F | F |
| Indoor sale and installation of automotive parts | F ¹⁶ | F | F |

TABLE C - Continued

| | Waterfront Manufacturing Subdistrict ² | Waterfront Service Subdistrict ² | Waterfront Commercial Subdistrict ² |
|---|---|---|---|
| | | | Basement & First Story |
| | | | Second Story & Above |
| <u>Vehicular Uses (cont'd)</u> | | | |
| Indoor sale of automobiles and trucks | F ¹⁶ | F | F |
| Outdoor sale of new and used vehicles | F | F | F |
| Parking garage | F | F | F |
| Parking lot | F | F | F |
| Rental agency for cars | F | F | F |
| Rental agency for trucks | F | F | F |
| Repair garage | F | F | F |
| Truck servicing or storage | F | F | F |
| <u>Wholesale Uses</u> | | | |
| Wholesale business | A | C | C |
| <u>Waterfront Service Uses</u> | | | |
| Dock, slip, pier, wharf anchorage, or moorage for commercial or recreational vessels awaiting servicing, provisioning, off-loading, or delivery | A | A | A |
| Use, hire, or charter of any commercial Vessel | A | A | A |
| Boat and marine motor service and repair or sales and display | A | A | C |

TABLE C - Continued

| | Waterfront Manufacturing Subdistrict ² | Waterfront Service Subdistrict ² | Waterfront Commercial Subdistrict ² | |
|--|---|---|---|----------------------------|
| | | | Basement & First Story | Second Story & Above |
| <u>Waterfront Service Uses (cont'd)</u> | | | | |
| Boatyard | A | A | F | F |
| Non-seasonal dry storage of vessels | A | A | C | C |
| Sale of marine fuel, marine hardware, or boating or diving supplies and equipment | A | A | A | A |
| Navigation aids and facilities | A | A | A | A |
| Wet or dry storage or berthing of any commercial vessel | A | A | C | C |
| Installation, repair, or servicing of boating accessories, marine equipment, marine instruments, or marine motors | A | A | C | C |
| Marine shop, electrical shop, or similar use for the repair and maintenance of vessels | A | A | C | C |
| Hoist, lift, ramp, davit, or other structure to haul or move a vessel between water and land and not used by the public generally | A | A | C | C |
| Groin, breakwater, wave deflector, or other structure that protects an area used for dockage or moorage | A | A | A | A |
| Aquaculture facility | A | A | A | A |
| Boat rental establishment | A | A | A | A |
| Flood, water level, or tidal control facility | A | A | A | A |

TABLE C - Continued

| <u>Waterfront Service Uses (cont'd)</u> | <u>Waterfront Manufacturing Subdistrict²</u> | <u>Waterfront Service Subdistrict²</u> | <u>Waterfront Commercial Subdistrict²</u> | |
|---|---|---|--|---------------------------------|
| | | | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| Marine research and training institute | A | A | A | A |
| Public boat ramp | A | A | C | C |
| Recreational marina, rack, dry stack, or landside facility for seasonal dry storage of private pleasure craft vessels; provided that the number of slips and spaces associated with any such facility does not exceed twenty (20) | A | A | A | A |
| Recreational marina, or rack, dry stack, or landside facility for seasonal dry storage of private pleasure craft vessels, if the number of slips and spaces associated with such facility exceeds twenty (20) | A | A | C | C |
| Enclosed storage or wholesaling of fish and seafoods, provided such use is not within fifty (50) feet of a Residential Subdistrict | A | C | F | F |
| Facilities associated with marine terminals for the storage of goods transported in waterborne commerce | A | C | C | C |

TABLE C - Continued

| | Waterfront Manufacturing Subdistrict ² | Waterfront Service Subdistrict ² | Waterfront Commercial Subdistrict ² | |
|--|---|---|---|----------------------------|
| | | | Basement & First Story | Second Story & Above |
| <u>Maritime-Dependent Facilities</u> | | | | |
| Manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce | A | C | C | C |
| Wharves, piers, docks, and storage facilities for the commercial fishing industry | A | C | C | C |
| Drydocks and other facilities related to the construction, servicing, storage, maintenance, or repair of vessels and other marine structures | A | C | C | C |
| Other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction | A | C | C | C |

| Waterfront Manufacturing Subdistrict ² | Waterfront Service Subdistrict ² | Waterfront Commercial Subdistrict ² |
|---|---|---|
| | | Basement & First Story |
| | | Second Story & Above |

Accessory and Ancillary Uses

In each subdistrict of the East Boston Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table C and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines

(not more than four) in commercial

or non-commercial establishment

Accessory art use

Accessory automatic teller machine

Accessory bus servicing or storage

Accessory cafeteria

Accessory cultural use

Accessory dormitory

Accessory drive-through restaurant

Accessory drive-through retail

Accessory family daycare home

Accessory home occupation

Accessory industrial use

Accessory keeping of animals other

than laboratory animals

Accessory keeping of laboratory

animals⁸

Accessory machine shop

Accessory manufacture of products

Accessory offices

| | | | |
|---|---|---|---|
| F | F | C | C |
| A | F | C | A |
| A | A | A | F |
| A | C | F | F |
| A | A | A | A |
| A | A | A | A |
| F | F | F | F |
| F | F | F | F |
| F | F | F | F |
| F | A | A | A |
| F | F | A | A |
| A | C | F | F |
| C | C | C | C |
| A | C | C | C |
| A | A | F | F |
| A | C | C | C |
| A | A | A | A |

TABLE C - Continued

| | Waterfront Manufacturing Subdistrict ² | Waterfront Service Subdistrict ² | Waterfront Commercial Subdistrict ² |
|--|---|---|---|
| | | | Basement & First Story |
| | | | Second Story & Above |
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | |
| Accessory offices for university | F | C | C |
| Accessory outdoor cafe ¹⁷ | A | A | F |
| Accessory parking | A | A | C |
| Accessory personnel quarters | C | F | F |
| Accessory printing | A | A | C |
| Accessory professional office in a dwelling | F | F | C |
| Accessory railroad storage yard | C | F | F |
| Accessory recycling | A | A | C |
| Accessory repair garage | C | F | F |
| Accessory retail | A | A | A |
| Accessory service uses | A | A | A |
| Accessory services for apartment and hotel residents | A | A | A |
| Accessory services incidental to educational uses other than college or university use | C | C | C |
| Accessory storage of flammable liquids and gases | A | A | C |
| Small ¹⁴ | C | C | C |
| Large ¹⁴ | C | C | C |
| Accessory storage or transfer of toxic waste | C | F | F |
| Accessory swimming pool or tennis court ¹⁸ | A | A | A |
| Accessory trade use | A | A | A |

TABLE C - Continued

| | <u>Waterfront Manufacturing Subdistrict²</u> | <u>Waterfront Service Subdistrict²</u> | <u>Waterfront Commercial Subdistrict²</u> | |
|--|---|---|--|---|
| | | | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | |
| Accessory truck servicing or storage | C | C | F | F |
| Accessory wholesale business | A | C | F | F |
| Ancillary use ¹⁹ | C | C | C | C |

1. For use regulations applicable in Maritime Economy Reserve (MER) Subdistricts, see Section 8-7.
2. Notwithstanding any contrary provision of this Table C, the provisions of Sections 53-13 through 53-20 (Regulations Applicable on Tidelands and in Waterfront Subdistricts) apply to any use located (a) on Tidelands subject to Chapter 91 of the Massachusetts General Laws, or (b) in any Waterfront Subdistrict.
3. Where designated "A," such use is allowed if the total gross floor area of such use does not exceed one thousand (1,000) square feet; otherwise, such use is conditional.
4. Provided that such use is located on the ground floor; otherwise conditional.
5. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
6. Provided that, where such is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.

TABLE C - Continued

7. Where such use is designated "A," such use is allowed if water access is required for the use's program or operations; otherwise, such use is conditional.
8. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
9. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
10. Where a Restaurant Use is designated "A" or "C," it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
11. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
12. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
13. Provided that all dust and dirt incident to storage or handling is effectively confined to the Lot, and provided also that any material stored outdoors to a height greater than four (4) feet above Grade level is surrounded by a wall or tight fence not less than seven (7) feet high.
14. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
15. Where such use is designated "A," or "C," such use is allowed or conditional, as the case may be, provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise, such use is forbidden.
16. Except conditional within the Upper Chelsea Creek Waterfront Manufacturing Subdistrict.
17. Except conditional in a Rear Yard abutting a Residential Subdistrict.

- 18. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
- 19. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

TABLE D

**East Boston Neighborhood District
Use Regulations in
Conservation Protection Subdistricts, Corridor Enhancement Subdistricts,
Community Facilities Subdistricts, Waterfront Community Facilities Subdistricts,
Local Industrial Subdistricts, and Economic Development Areas**

Key: A = Allowed, C = Conditional, F = Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|---|--|---|--|---|---|
| <u>Banking and Postal Uses</u> | | | | | |
| Automatic teller machine | F | F | C | A | A |
| Bank | F | F | C | A ² | A |
| Drive-in bank | F | F | F | F | A |
| Post office | F | F | A | A | A |
| <u>Community Uses</u> | | | | | |
| Adult education center | C | C | A | C | A |
| Community center | C | A | A | C | A |
| Day care center | C | A | A | C | A |
| Day care center, elderly | C | A | A | C | A |
| Library | C | A | A | C | A |
| Place of worship; monastery; convent; parish house | A | A | A | A | A |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|---|--|---|--|---|---|
| <u>Cultural Uses</u> | | | | | |
| Art gallery | C | A | C | A | A |
| Art use | C | A | C | A | A |
| Auditorium | C | F | C | C | C |
| Cinema | F | F | C | F | A |
| Concert hall | F | F | C | F | C |
| Museum | C | C | A | A | A |
| Public art, display space | C | A | A | A | A |
| Studios, arts | F | F | C | A | A |
| Studios, production | F | F | C | A | A |
| Theatre | F | F | C | F | A |
| Ticket sales | F | F | C | C | A |
| <u>Dormitory/Fraternity Uses</u> | | | | | |
| Dormitory not accessory to a use | F | F | F | F | C |
| Fraternity | F | F | F | F | C |
| <u>Educational Uses</u> | | | | | |
| College or university | C | F | C | C | C |
| Elementary or secondary school ³ | C | F | A | F | C |
| Kindergarten | C | F | A | F | C |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|---|--|---|--|---|---|
| <u>Educational Uses (cont'd)</u> | | | | | |
| Professional school | C | F | A | A | A |
| Trade school | C | F | A | A | A |
| <u>Entertainment and Recreational Uses</u> | | | | | |
| Adult entertainment | F | F | F | F | F |
| Amusement game machines in commercial establishment | F | F | F | C | C |
| Amusement game machines in non-commercial establishment | F | F | F | C | C |
| Bar ⁴ | F | F | F | C | C |
| Bar with live entertainment ⁴ | F | F | F | F | C |
| Bowling alley | F | F | F | F | A |
| Billiard parlor | F | F | F | F | A |
| Dance hall | F | F | C | F | C |
| Drive-in theatre | F | F | F | F | C |
| Fitness center or gymnasium | F | F | C | C | A |
| Private club not serving alcohol | F | F | F | C | C |
| Private club serving alcohol | F | F | F | C | C |
| Restaurant with live entertainment, not operating after 10:30 p.m. | F | F | F | C | C |
| Restaurant with live entertainment operating after 10:30 p.m. ⁴ | F | F | F | F | C |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|---|--|---|--|---|---|
| <u>Funerary Uses</u> | | | | | |
| Cemetery | A | A | F | F | F |
| Columbarium | A | A | F | F | F |
| Crematory | A | A | F | F | F |
| Funeral home | F | F | F | F | F |
| Mortuary chapel | C | C | F | F | F |
| <u>Health Care Uses</u> | | | | | |
| Clinic | F | F | C | C | A |
| Clinical laboratory | F | F | C | A | A |
| Custodial care facility | F | F | C | C | C |
| Group care residence, general | C | F | C | F | A |
| Hospital | F | F | C | C | C |
| Nursing or convalescent home | A | F | A | F | C |
| <u>Hotel and Conference Center Uses</u> | | | | | |
| Bed and breakfast | C | F | F | F | C |
| Conference center | C | F | F | C | A |
| Executive suites | F | F | F | F | A |
| Hotel | F | F | F | F | A |
| Motel | F | F | F | F | A |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|--|--|---|--|---|---|
| <u>Industrial Uses</u> | | | | | |
| Artists' mixed-use | F | F | A | A | A |
| Cleaning plant | F | F | F | C | C |
| General manufacturing use | F | F | F | C | C |
| Light manufacturing use | F | F | F | A | A |
| Printing plant | F | F | F | A | A |
| Restricted industrial use | F | F | F | F | F |
| <u>Office Uses</u> | | | | | |
| Agency or professional office | F | F | F | A | A |
| General office | F | F | F | A | A |
| Office of wholesale business | F | F | F | A | A |
| <u>Open Space Uses</u> | | | | | |
| Golf driving range | F | F | F | C | C |
| Grounds for sports, private | F | F | A | F | C |
| Open space | A | A | A | A | A |
| Open space recreational building | A | A | A | A | A |
| Outdoor place of recreation for profit | C | C | C | C | A |
| Stadium | F | F | F | F | C |

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|--|--|---|--|---|---|
| <u>Public Service Uses</u> | | | | | |
| Automatic telephone exchange ³ | C | C | A | A | A |
| Courthouse ³ | C | A | A | A | A |
| Fire station ³ | A | A | A | A | A |
| Penal institution | F | F | F | F | F |
| Police station ³ | A | A | A | A | A |
| Pumping station ³ | F | F | C | C | C |
| Recycling facility (excluding toxic waste) | F | F | C | C | C |
| Solid waste transfer station | F | F | F | F | F |
| Sub-station ³ | F | F | C | A | A |
| Telephone exchange | F | F | C | A | A |
| <u>Research and Development Uses⁵</u> | | | | | |
| Research laboratory | F | F | F | A | A |
| Product development or prototype manufacturing | F | F | F | A | A |
| <u>Residential Uses⁶</u> | | | | | |
| Congregate living complex | A | C | A | F | F |
| Elderly housing | A | C | A | F | F |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|--|--|---|--|---|---|
| <u>Residential Uses (cont'd)</u> | | | | | |
| Group residence, limited | A | C | A | F | F |
| Lodging house | F | F | F | F | F |
| Mobile home | F | F | F | F | F |
| Mobile home park | F | F | F | F | F |
| Multi-family dwelling | A | A | A | F | F |
| One family detached dwelling | C | C | A | F | F |
| One family semi-attached dwelling | A | A | A | F | F |
| Orphanage | C | C | A | F | F |
| Rowhouse | A | A | A | F | F |
| Temporary dwelling structure | C | F | F | F | F |
| Three family detached dwelling | A | A | A | F | F |
| Townhouse | A | A | A | F | F |
| Transitional housing or homeless shelter | C | C | A | F | F |
| Two family detached dwelling | A | A | A | F | F |
| Two family semi-attached dwelling | A | A | A | F | F |
| <u>Restaurant Uses⁷</u> | | | | | |
| Drive-in restaurant | F | F | F | F | C |
| Restaurant | F | C | C | C | A |
| Take-out restaurant | | | | | |
| Small ⁸ | F | F | F | F | A |
| Large ⁸ | F | F | F | F | C |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|----------------------------------|--|---|--|---|---|
| <u>Retail Uses</u> ⁹ | | | | | |
| Adult bookstore | F | F | F | F | F |
| Bakery | F | F | F | A | A |
| General retail business | F | F | F | C | A |
| Liquor store | F | F | F | C | A |
| Local retail business | F | C | F | A ² | A |
| Outdoor sale of garden supplies | F | C | F | F | A |
| <u>Service Uses</u> ⁹ | | | | | |
| Animal hospital | F | F | F | C | C |
| Barber or beauty shop | F | F | F | C | A |
| Caterer's establishment | F | F | F | A | A |
| Dry-cleaning shop | F | F | F | C | A |
| Kennel | F | F | F | C | C |
| Laundry, retail service | F | F | F | A | A |
| Laundry, self-service | F | F | F | C | A |
| Photocopying establishment | F | F | F | A | A |
| Shoe repair | F | F | F | C | A |
| Tailor shop | F | F | F | C | A |

TABLE D - Continued

| Storage Uses, Major | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|--|--|---|--|---|---|
| Enclosed storage of solid fuel or minerals ¹⁰ | F | F | F | C | C |
| Outdoor storage of solid fuel or minerals ¹⁰ | F | F | F | F | F |
| Outdoor storage of new materials | F | F | F | F | C |
| Outdoor storage of damaged or disabled vehicles | F | F | F | F | F |
| Outdoor storage of junk and scrap | F | F | F | F | F |
| Storage of flammable liquids and gases | F | F | F | C | C |
| Small ¹¹ | F | F | F | F | C |
| Large ¹¹ | F | F | F | F | F |
| Storage or transfer of toxic waste | F | F | F | C | C |
| Warehousing | F | F | F | F | F |
| Wrecking yard | F | F | F | F | F |
| Trade Uses ⁹ | | | | | |
| Carpenters shop | F | F | F | A | A |
| Electrician's shop | F | F | F | A | A |
| Machine shop | F | F | F | A | A |
| Photographer's studio | F | F | F | A | A |
| Plumber's shop | F | F | F | A | A |

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|---|--|---|--|---|---|
| <u>Trade Uses (cont'd)</u> | | | | | |
| Radio/television repair | F | F | F | A | A |
| Upholsterer's shop | F | F | F | A | A |
| Welder's shop | F | F | F | A | A |
| <u>Transportation Uses</u> | | | | | |
| Airport | F | F | F | F | F |
| Bus terminal | F | F | F | F | C |
| Garage with dispatch | F | F | F | F | C |
| Helicopter landing facility | F | F | F | F | F |
| Motor freight terminal | F | F | F | F | C |
| Rail freight terminal | F | F | F | F | C |
| Railroad passenger station | F | F | F | F | C |
| Water terminal | F | F | F | F | F |
| <u>Vehicular Uses</u> ¹² | | | | | |
| Bus servicing or storage | F | F | F | F | C |
| Carwash | F | F | F | F | C |
| Gasoline station | F | F | F | F | C |
| Indoor sale and installation of automotive parts | F | F | F | C | C |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|---|--|---|--|---|---|
| <u>Vehicular Uses (cont'd)</u> | | | | | |
| Indoor sale of automobiles and trucks | F | F | F | C | C |
| Outdoor sale of new and used vehicles | F | F | F | C | C |
| Parking garage | F | F | F | F | F |
| Parking lot | F | F | F | F | F |
| Rental agency for cars | F | F | F | F | F |
| Rental agency for trucks | F | F | F | F | F |
| Repair garage | F | F | F | F | F |
| Truck servicing or storage | F | F | F | F | F |
| <u>Wholesale Uses</u> | | | | | |
| Wholesale business | F | F | F | A | A |
| <u>Waterfront Service Uses</u> | | | | | |
| Dock, slip, pier, wharf anchorage, or moorage for commercial or recreational vessels awaiting servicing, provisioning, off-loading, or delivery | F | F | F | F | F |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|---|--|---|--|---|---|
| <u>Waterfront Service Uses (cont'd)</u> | | | | | |
| Use, hire, or charter of any commercial Vessel | F | F | F | F | F |
| Boat and marine motor service and repair or sales and display | F | F | F | F | F |
| Boatyard | F | F | F | F | F |
| Non-seasonal dry storage of vessels | F | F | F | F | F |
| Sale of marine fuel, marine hardware, or boating or diving supplies and equipment | F | F | F | F | F |
| Navigation aids and facilities | F | F | F | F | F |
| Wet or dry storage or berthing of any commercial vessel | F | F | F | F | F |
| Installation, repair, or servicing of boating accessories, marine equipment, marine instruments, or marine motors | F | F | F | F | F |
| Marine shop, electrical shop, or similar use for the repair and maintenance of vessels | F | F | F | F | F |
| Hoist, lift, ramp, davit, or other structure to haul or move a vessel between water and land and not used by the public generally | F | F | F | F | F |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|--|--|---|--|---|---|
| <u>Waterfront Service Uses (cont'd)</u> | | | | | |
| Groin, breakwater, wave deflector, or other structure that protects an area used for dockage or moorage | F | F | C | F | F |
| Aquaculture facility | F | F | F | F | F |
| Boat rental establishment | F | F | C | F | F |
| Flood, water level, or tidal control facility | F | F | F | F | F |
| Marine research and training institute | F | F | C | F | F |
| Public boat ramp | F | F | C | F | F |
| Recreational marina, rack, dry stack, or landslide facility for seasonal dry storage of private pleasure craft vessels; provided that the number of slips and spaces associated with any such facility does not exceed twenty (20) | F | F | C | F | F |
| Recreational marina, or rack, dry stack, or landslide facility for seasonal dry storage of private pleasure craft vessels, if the number of slips and spaces associated with such facility exceeds twenty (20) | F | F | F | F | F |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|--|--|---|--|---|---|
| <u>Waterfront Service Uses (cont'd)</u> | | | | | |
| Enclosed storage or wholesaling of fish and seafoods, provided such use is not within fifty (50) feet of a Residential Subdistrict | F | F | F | F | F |
| Facilities associated with marine terminals for the storage of goods transported in waterborne commerce | F | F | F | F | F |
| <u>Maritime-Dependent Facilities</u> | | | | | |
| Manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce | F | F | F | F | F |
| Wharves, piers, docks, and storage facilities for the commercial fishing industry | F | F | F | F | F |
| Drydocks and other facilities related to the construction, servicing, storage, maintenance, or repair of vessels and other marine structures | F | F | F | F | F |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|---|--|---|--|---|---|
| <u>Maritime-Dependent Facilities (cont'd)</u> | | | | | |
| Other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction | F | F | F | F | F |
| <u>Accessory and Ancillary Uses</u> | | | | | |
| In each subdistrict of the East Boston Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table D and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory. | | | | | |
| Accessory amusement game machines (not more than four) in commercial or non-commercial establishment | F | F | F | F | A |
| Accessory art use | C | A | C | A | A |
| Accessory automatic teller machine | F | F | A | A | A |
| Accessory bus servicing or storage | F | F | F | C | C |
| Accessory cafeteria | A | A | A | A | A |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|---|--|---|--|---|---|
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | | |
| Accessory cultural use | A | A | A | A | A |
| Accessory dormitory | F | F | C | F | C |
| Accessory drive-through restaurant | F | F | F | F | C |
| Accessory drive-through retail | F | F | F | C | C |
| Accessory family daycare home | A | A | A | C | C |
| Accessory home occupation | A | A | A | F | F |
| Accessory industrial use | F | F | F | C | C |
| Accessory keeping of animals other than laboratory animals | F | F | F | C | C |
| Accessory keeping of laboratory animals ⁵ | F | F | F | C | C |
| Accessory machine shop | F | F | F | C | A |
| Accessory manufacture of products | F | F | F | A | A |
| Accessory offices | F | F | F | A | A |
| Accessory offices for university | A | A | A | A | A |
| Accessory outdoor cafe ¹³ | C | F | C | F | C |
| Accessory parking | F | F | C | A | A |
| Accessory personnel quarters | A | A | A | A | A |
| Accessory printing | F | F | F | F | C |
| Accessory professional office in a dwelling | C | C | A | A | A |
| Accessory railroad storage yard | A | A | A | F | F |
| Accessory recycling | F | F | F | F | C |
| | A | A | A | A | A |

TABLE D - Continued

| | Conservation Protection Subdistrict (CP) ¹ | Corridor Enhancement Subdistrict (CE) ¹ | Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹ | Local Industrial Subdistrict (LI) ¹ | Economic Development Area (EDA) ¹ |
|--|--|---|--|---|---|
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | | |
| Accessory repair garage | F | F | F | F | A |
| Accessory retail | F | F | C | A | A |
| Accessory service uses | A | A | A | A | A |
| Accessory services for apartment and hotel residents | A | A | A | A | A |
| Accessory services incidental to educational uses other than college or university use | C | F | C | C | A |
| Accessory storage of flammable liquids and gases | A | A | A | A | A |
| Small ¹⁰ | C | C | C | C | C |
| Large ¹⁰ | F | F | F | F | C |
| Accessory storage or transfer of toxic waste | A | A | A | A | A |
| Accessory swimming pool or tennis court ¹⁴ | A | A | A | A | A |
| Accessory trade use | F | F | F | C | C |
| Accessory truck servicing or storage | F | F | F | C | C |
| Accessory wholesale business | F | F | F | C | A |
| Ancillary use ¹⁵ | C | C | C | C | C |

1. Notwithstanding any contrary provisions of this Table D, the provisions of Sections 53-13 through 53-20 (Regulations Applicable on Tidelands and in Waterfront Subdistricts) apply to any use located (a) on Tidelands subject to Chapter 91 of the Massachusetts General Laws, or (b) in any Waterfront Subdistrict.
2. Where designated "A," such use is allowed if the total gross floor area of such use does not exceed one thousand (1,000) square feet; otherwise, such use is conditional.
3. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
4. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
5. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
6. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
7. Where a Restaurant Use is designated "A" or "C", it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
8. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
9. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
10. Provided that all dust and dirt incident to storage or handling is effectively confined to the Lot, and provided further that any material stored outdoors to a height greater than four (4) feet above Grade level is surrounded by a wall or tight fence not less than seven (7) feet high.

TABLE D - Continued

11. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
12. Where such use is designated "A" or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
13. Except conditional in a Rear Yard abutting a Residential Subdistrict.
14. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
15. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

TABLE E

East Boston Neighborhood District
Use Regulations in
Logan International Airport (LIA) Subdistrict

Key: A = Allowed, C = Conditional, F = Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

Logan International
Airport Subdistrict¹

Banking and Postal Uses

| | |
|--------------------------|---|
| Automatic teller machine | A |
| Bank | A |
| Drive-in bank | A |
| Post office | A |

Community Uses

| | |
|---|---|
| Adult education center | A |
| Community center | A |
| Day care center | A |
| Day care center, elderly | A |
| Library | A |
| Place of worship; monastery; convent; parish house | A |

Cultural Uses

| | |
|--------------|---|
| Art gallery | A |
| Art use | A |
| Auditorium | A |
| Cinema | A |
| Concert hall | A |

TABLE E - Continued

Logan International
Airport Subdistrict¹

| | |
|---|---|
| <u>Cultural Uses (cont'd)</u> | |
| Museum | A |
| Public art, display space | A |
| Studios, arts | A |
| Studios, production | A |
| Theatre | A |
| Ticket sales | A |
| <u>Dormitory/Fraternity Uses</u> | |
| Dormitory not accessory to a use | C |
| Fraternity | C |
| <u>Educational Uses</u> | |
| College or university | C |
| Elementary or secondary school ² | C |
| Kindergarten | C |
| Professional school | A |
| Trade school | A |
| <u>Entertainment and Recreational Uses</u> | |
| Adult entertainment | F |
| Amusement game machines in commercial establishment | C |
| Amusement game machines in non-commercial establishment | C |
| Bar ³ | A |
| Bar with live entertainment ³ | A |
| Bowling alley | A |

TABLE E - Continued

Logan International
Airport Subdistrict¹Entertainment and Recreational Uses (cont'd)

| | |
|---|---|
| Billiard parlor | A |
| Dance hall | A |
| Drive-in theatre | A |
| Fitness center or gymnasium | A |
| Private club not serving alcohol | A |
| Private club serving alcohol | A |
| Restaurant with live entertainment, not operating after 10:30 p.m. | A |
| Restaurant with live entertainment operating after 10:30 p.m. ³ | A |

Funerary Uses

| | |
|-----------------|---|
| Cemetery | F |
| Columbarium | F |
| Crematory | F |
| Funeral home | F |
| Mortuary chapel | F |

Health Care Uses

| | |
|---|---|
| Clinic | A |
| Clinical laboratory | A |
| Custodial care facility | C |
| Group care residence, general Hospital | A |
| Nursing or convalescent home | C |

TABLE E - Continued

Logan International
Airport Subdistrict¹Hotel and Conference Center Uses

| | |
|-------------------|---|
| Bed and breakfast | C |
| Conference center | A |
| Executive suites | A |
| Hotel | A |
| Motel | A |

Industrial Uses

| | |
|---------------------------|---|
| Artists' mixed-use | A |
| Cleaning plant | A |
| General manufacturing use | A |
| Light manufacturing use | A |
| Printing plant | A |
| Restricted industrial use | F |

Office Uses

| | |
|-------------------------------|---|
| Agency or professional office | A |
| General office | A |
| Office of wholesale business | A |

Open Space Uses

| | |
|--|---|
| Golf driving range | C |
| Grounds for sports, private | C |
| Open space | A |
| Open space recreational building | A |
| Outdoor place of recreation for profit | A |
| Stadium | C |

TABLE E - Continued

Logan International
Airport Subdistrict¹Public Service Uses

| | |
|--|---|
| Automatic telephone exchange ² | A |
| Courthouse ² | A |
| Fire station ² | A |
| Penal institution | F |
| Police station ² | A |
| Pumping station ² | A |
| Recycling facility (excluding toxic waste) | C |
| Solid waste transfer station | F |
| Sub-station ² | A |
| Telephone exchange | A |

Research and Development Uses⁴

| | |
|--|---|
| Research laboratory | A |
| Product development or prototype manufacturing | A |

Residential Uses⁵

| | |
|-----------------------------------|---|
| Congregate living complex | F |
| Elderly housing | F |
| Group residence, limited | F |
| Lodging house | F |
| Mobile home | F |
| Mobile home park | F |
| Multi-family dwelling | F |
| One family detached dwelling | F |
| One family semi-attached dwelling | F |
| Orphanage | F |
| Rowhouse | F |
| Temporary dwelling structure | F |

TABLE E - Continued

Logan International
Airport Subdistrict¹Residential Uses (cont'd)

Three family detached dwelling F
 Townhouse F
 Transitional housing or homeless shelter F
 Two family detached dwelling F
 Two family semi-attached dwelling F

Restaurant Uses⁶

Drive-in restaurant C
 Restaurant A
 Take-out restaurant A
 Small⁷ A
 Large⁷ A

Retail Uses⁸

Adult bookstore F
 Bakery A
 General retail business A
 Liquor store A
 Local retail business A
 Outdoor sale of garden supplies A

Service Uses⁸

Animal hospital C
 Barber or beauty shop A
 Caterer's establishment A
 Dry-cleaning shop A
 Kennel A

TABLE E - Continued

Logan International
Airport Subdistrict¹Service Uses⁸ (cont'd)

| | |
|----------------------------|---|
| Laundry, retail service | A |
| Laundry, self-service | A |
| Photocopying establishment | A |
| Shoe repair | A |
| Tailor shop | A |

Storage Uses, Major

| | |
|---|---|
| Enclosed storage of solid fuel or minerals ⁹ | C |
| Outdoor storage of solid fuel or minerals ⁹ | F |
| Outdoor storage of new materials | C |
| Outdoor storage of damaged or disabled vehicles | F |
| Outdoor storage of junk and scrap | F |
| Storage of flammable liquids and gases | |
| Small ¹⁰ | A |
| Large ¹⁰ | A |
| Storage or transfer of toxic waste | F |
| Warehousing | A |
| Wrecking yard | F |

Trade Uses⁸

| | |
|-----------------------|---|
| Carpenter's shop | A |
| Electrician's shop | A |
| Machine shop | A |
| Photographer's studio | A |
| Plumber's shop | A |

TABLE E - Continued

Logan International
Airport Subdistrict¹

Trade Uses⁸ (cont'd)

Radio/television repair
Upholsterer's shop
Welder's shop

A
A
A

Transportation Uses

Airport
Bus terminal
Garage with dispatch
Helicopter landing facility
Motor freight terminal
Rail freight terminal
Railroad passenger station
Water terminal

A
A
A
A
A
A
A
A

Vehicular Uses¹¹

Bus servicing or storage
Carwash
Gasoline station
Indoor sale and installation of automotive parts
Indoor sale of automobiles and trucks
Outdoor sale of new and used vehicles
Parking garage
Parking lot
Rental agency for cars
Rental agency for trucks
Repair garage
Truck servicing or storage

A
A
A
C
C
C
A
A
A
A
A
A
A

TABLE E - Continued

Logan International
Airport Subdistrict¹

| | |
|---|---|
| <u>Wholesale Uses</u> | |
| Wholesale business | A |
| <u>Waterfront Service Uses</u> | |
| Dock, slip, pier, wharf anchorage, or moorage for commercial or recreational vessels awaiting servicing, provisioning, off-loading, or delivery | A |
| Use, hire, or charter of any commercial Vessel | A |
| Boat and marine motor service and repair or sales and display | A |
| Boatyard | A |
| Non-seasonal dry storage of vessels | A |
| Sale of marine fuel, marine hardware, or boating or diving supplies and equipment | A |
| Navigation aids and facilities | A |
| Wet or dry storage or berthing of any commercial vessel | A |
| Installation, repair, or servicing of boating accessories, marine equipment, marine instruments, or marine motors | A |
| Marine shop, electrical shop, or similar use for the repair and maintenance of vessels | A |

TABLE E - Continued

Logan International
Airport Subdistrict¹

| <u>Waterfront Service Uses (cont'd)</u> | |
|--|---|
| Hoist, lift, ramp, davit, or other structure to haul or move a vessel between water and land and not used by the public generally | A |
| Groin, breakwater, wave deflector, or other structure that protects an area used for dockage or moorage | A |
| Aquaculture facility | A |
| Boat rental establishment | A |
| Flood, water level, or tidal control facility | A |
| Marine research and training institute | A |
| Public boat ramp | A |
| Recreational marina, rack, dry stack, or landslide facility for seasonal dry storage of private pleasure craft vessels; provided that the number of slips and spaces associated with any such facility does not exceed twenty (20) | A |
| Recreational marina, or rack, dry stack, or landslide facility for seasonal dry storage of private pleasure craft vessels, if the number of slips and spaces associated with such facility exceeds twenty (20) | A |

TABLE E - Continued

Logan International
Airport Subdistrict¹Maritime-Dependent Facilities (cont'd)

Enclosed storage or wholesaling of fish and seafoods, provided such use is not within 50 feet of a Residential Subdistrict

A

Facilities associated with marine terminals for the storage of goods transported in waterborne commerce

A

Maritime-Dependent Facilities

Manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce
Wharves, piers, docks, and storage facilities for the commercial fishing industry

A

A

Drydocks and other facilities related to the construction, servicing,

storage, maintenance, or repair of vessels and other marine structures

A

Other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction

A

TABLE E - Continued

Logan International
Airport Subdistrict¹

Accessory and Ancillary Uses

In each subdistrict of the East Boston Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table E and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines (not

more than four) in commercial or
non-commercial establishment

Accessory art use

Accessory automatic teller machine

Accessory bus servicing or storage

Accessory cafeteria

Accessory cultural use

Accessory dormitory

Accessory drive-through restaurant

Accessory drive-through retail

Accessory family daycare home

Accessory home occupation

Accessory industrial use

Accessory keeping of animals other than
laboratory animals

Accessory keeping of laboratory animals⁴

Accessory machine shop

Accessory manufacture of products

Accessory offices

Accessory offices for university

Accessory outdoor cafe¹²

Accessory parking

Accessory personnel quarters

Accessory printing

A

A

A

A

A

A

C

C

C

F

F

A

C

A

A

A

A

C

A

A

A

A

TABLE E - Continued

Logan International
Airport Subdistrict¹Accessory and Ancillary Uses (cont'd)

| | |
|--|---|
| Accessory professional office in a dwelling | F |
| Accessory railroad storage yard | A |
| Accessory recycling | A |
| Accessory repair garage ¹¹ | A |
| Accessory retail | A |
| Accessory service uses | A |
| Accessory services for apartment and hotel residents | A |
| Accessory services incidental to educational uses other than college or university use | A |
| Accessory storage of flammable liquids and gases | |
| Small ¹⁰ | A |
| Large ¹⁰ | A |
| Accessory storage or transfer of toxic waste | C |
| Accessory swimming pool or tennis court ¹³ | A |
| Accessory trade use | A |
| Accessory truck servicing or storage | A |
| Accessory wholesale business | A |
| Ancillary use ¹⁴ | C |

1. Notwithstanding any contrary provision of this Table E, the provisions of Sections 53-13 through 53-20 (Regulations Applicable on Tidelands and in Waterfront Subdistricts) apply to any use located (a) on Tidelands subject to Chapter 91 of the Massachusetts General Laws, or (b) in any Waterfront Subdistrict.
2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.

TABLE E - Continued

3. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
4. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Provided that Dwelling Units are forbidden in Basements.
6. Where a Restaurant Use is designated "A" or "C", it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
7. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
8. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
9. Provided that all dust and dirt incident to storage or handling is effectively confined to the Lot, and provided further that any material stored to a height greater than four (4) feet above Grade level is surrounded by a wall or tight fence not less than seven (7) feet high.
10. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
11. Where such use is designated "A" or "C": provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
12. Except conditional in a Rear Yard abutting a Residential Subdistrict.

- 13. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
- 14. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

TABLE F

East Boston Neighborhood District

Dimensional Regulations
Residential Subdistricts¹

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ³ Maximum Stories | Feet | Usable Open Space ⁴ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁵ Minimum Depth (Feet) | Side Yard ⁶ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessor Buildings (Percent) |
|--|--|--|--------------------------------|--------------------------------------|--------------------------------|---|------|--|--|---|--|--|
| One-Family Residential Subdistrict | | | | | | | | | | | | |
| <u>1F-4,000²</u> | | | | | | | | | | | | |
| 1 Family Detached | 4,000 | N/A | 40 | 40 | 0.5 | 2-1/2 | 35 | 1,000 | 15 | 10 | 35 | 25 |
| Other Use | 4,000 | N/A | 40 | 40 | 0.5 | 2-1/2 | 35 | none | 15 | 10 | 35 | 20 |
| <u>1F-5,000²</u> | | | | | | | | | | | | |
| 1 Family Detached | 5,000 | N/A | 50 | 50 | 0.5 | 2-1/2 | 35 | 1,250 | 15 | 10 | 40 | 25 |
| Other Use | 5,000 | N/A | 50 | 50 | 0.5 | 2-1/2 | 35 | none | 15 | 12 | 40 | 20 |
| <u>1F-7,000²</u> | | | | | | | | | | | | |
| 1 Family Detached | 7,000 | N/A | 50 | 50 | 0.5 | 2-1/2 | 35 | 1,500 | 20 | 10 | 45 | 25 |
| Other Use | 7,000 | N/A | 50 | 50 | 0.5 | 2-1/2 | 35 | none | 20 | 12 | 45 | 20 |

TABLE F - Continued

| Two-Family Residential Subdistrict | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ³ | | Usable Open Space ⁴ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁵ Minimum Depth (Feet) | Side Yard ⁶ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|------------------------------------|---|--|--------------------------|-----------------------------|--------------------------|------------------------------|------|--|--|---|--------------------------------|--|
| | | | | | | Stories | Feet | | | | | |
| <u>2F - 2000²</u> | 1 or 2 Family Detached | 2,000 for 1 or 2 units | 25 | 25 | 0.8 | 2-1/2 | 35 | 350 | 5 | 2-1/2 | 30 | 25 |
| | | | | | | | | | | | | |
| <u>2F - 3000²</u> | Other Use | 2,000 | 25 | 25 | 0.8 | 2-1/2 | 35 | none | 5 | 5 | 30 | 20 |
| | | | | | | | | | | | | |
| <u>2F - 4000²</u> | 1 or 2 Family Detached | 3,000 for 1 or 2 units | 30 | 30 | 0.8 | 2-1/2 | 35 | 600 | 5 | 5 | 35 | 25 |
| | | | | | | | | | | | | |
| <u>2F - 4000²</u> | Other Use | 3,000 | 30 | 30 | 0.8 | 2-1/2 | 35 | none | 10 | 7 | 35 | 20 |
| | | | | | | | | | | | | |
| <u>2F - 4000²</u> | 1 or 2 Family Detached | 4,000 for 1 or 2 units | 40 | 40 | 0.8 | 2-1/2 | 35 | 750 | 10 | 7 | 40 | 25 |
| | | | | | | | | | | | | |
| <u>2F - 4000²</u> | Other Use | 4,000 | 40 | 40 | 0.8 | 2-1/2 | 35 | none | 15 | 7 | 40 | 20 |
| | | | | | | | | | | | | |

TABLE F - Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ³ Maximum Stories | Usable Open Space ⁴ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁵ Minimum Depth (Feet) | Side Yard ⁶ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|------------------------------|--|--|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| <u>2F - 5000²</u> | | | | | | | | | | | |
| 1 or 2 Family Detached | 5,000 for 1 or 2 units | N/A | 50 | 50 | 0.6 | 2-1/2 | 800 | 10 | 10 | 40 | 25 |
| Other Use | 5,000 | N/A | 50 | 50 | 0.6 | 2-1/2 | none | 15 | 10 | 40 | 20 |
| <u>2F - 7000²</u> | | | | | | | | | | | |
| 1 & 2 Family Detached | 7,000 for 1 or 2 units | N/A | 50 | 50 | 0.6 | 3 | 800 | 15 | 10 | 45 | 25 |
| Other Use | 7,000 | N/A | 50 | 50 | 0.6 | 3 | none | 20 | 10 | 45 | 20 |

TABLE F - Continued

| Three-Family Residential Subdistrict | Lot Area, Minimum for Dwelling Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwelling Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ³ Maximum Stories | Usable Open Space ⁴ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁵ Minimum Depth (Feet) | Side Yard ⁶ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|--|---|--|--------------------------|-----------------------------|--------------------------|--|--|--|---|--------------------------------|--|
| | | | | | | | | | | | |
| Semi-attached Dwelling, Row House Building, or Town House Building | 1,000 for 1 unit | 1,000 | 20 | 20 | 1.0 | 3 | 300 | 5 | 2-1/2 | 40 | 25 |
| | 2,000 for 1 or 2 units | 1,000 | 20 | 20 | 1.0 | 3 | 300 | 5 | 2-1/2 | 30 | 25 |

3F-2,000²

TABLE F - Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ³ Maximum Stories | Usable Open Space ⁴ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁵ Minimum Depth (Feet) | Side Yard ⁶ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessor Buildings (Percent) |
|--|--|--|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|--|
| Multifamily Residential Subdistrict | | | | | | | | | | | |
| MFR-1 | | | | | | | | | | | |
| 1, 2, or 3 Family Detached | 2,000 for 1 or 2 units | 1,000 | 20 | 20 | 1.0 | 3 | 300 | 5 | 2-1/2 | 30 | 25 |
| Semi-attached Dwelling, Row House Building or Town House Building | 1,000 for 1 unit | 1,000 for 1 unit | 20 | 20 | 1.0 | 3 | 300 | 5 | 2-1/2 | 30 | 25 |
| Any other Dwelling or Use | 2,000 for first 2 units | 1,000 | 40 | 40 | 1.0 | 3 | 200 | 5 | 5 | 30 | 25 |

TABLE F - Continued

| Waterfront Residential Subdistrict | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ³ Maximum Stories | Usable Open Space ⁴ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁵ Minimum Depth (Feet) | Side Yard ⁶ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessor Buildings (Percent) |
|--|--|--|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|--|
| | | | | | | | | | | | |
| <u>WR</u> 1, 2, or 3 Family Detached | 2,000 for 1 or 2 units | 1,000 | 20 | 20 | 1.0 | 3 | 300 | 5 | 2-1/2 | 30 | 25 |
| | 1,000 for 1 unit | 1,000 for 1 unit | 20 | 20 | 1.0 | 3 | 300 | 5 | 2-1/2 | 30 | 25 |
| Semi-attached Dwelling, Row House Building or Town House Building | | | | | | | | | | | |
| Any other Dwelling or Use | 2,000 for first 2 units | 1,000 | 40 | 40 | 1.0 | 3 | 200 | 5 | 5 | 30 | 25 |

TABLE F - Continued

Footnotes

1. Notwithstanding any contrary provision of this Table F, the provisions of Sections 53-13 through 53-20 (Regulations Applicable on Tidelands and in Waterfront Subdistricts) apply to any Lot located (a) on Tidelands subject to Chapter 91 of the Massachusetts General Laws, or (b) in any Waterfront Subdistrict.
2. The number following the designation "1F," "2F," or "3F" refers to the minimum Lot Area required in that subdistrict for the first one or two Dwelling Units or for any other use allowed on the Lot. For the location of all 1F, 2F, and 3F Residential Subdistricts, see Map 3A, Map 3B, Map 3C, and Map 3D.
3. For the purpose of determining Building Height, the floor area of a dormer on a Dwelling shall not be included in the floor area calculation for a half story; provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of an existing Structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation for a half story. However, the floor area of such dormers shall be included in Gross Floor Area of the Dwelling.
4. Applicable only to Residential Uses and Dormitory/Fraternity Uses. In MFR Subdistricts, all or part of the usable open space requirement may be met by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings.
5. See Section 53-57.2 (Conformity with Existing Building Alignment). A bay window may protrude into a Front Yard.
6. Semi-attached Dwellings, Town House Buildings, and Row House Buildings are only required to have side yards on sides that are not attached to another Dwelling.

East Boston Neighborhood District Dimensional Regulations Neighborhood Business Subdistricts

ALBANY COUNTY 112190071

Footnotes:

1. Notwithstanding any contrary provision of this Table G, the provisions of Section 53-13 and Sections 53-17 through 53-20 (concerning regulations applicable on Tidelands) apply to any Lot located on Tidelands subject to Chapter 91 of the Massachusetts General Laws.
2. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
3. In a required front yard in a Neighborhood Business Subdistrict, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.
- In a Neighborhood Business Subdistrict, every front yard required by this Code shall be at grade level along every lot line on which such yard abuts.
4. See Section 53-53.1 (Street Wall Continuity).
5. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
6. In a Neighborhood Business Subdistrict, every rear yard required by this Code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE H

East Boston Neighborhood District

Dimensional Regulations
Maritime Economy Reserve (MER),
Waterfront Manufacturing (WM), Waterfront Service (WS),
and Waterfront Commercial (WC) Subdistricts

| | <u>Maritime Economy Reserve Subdistrict¹</u> | <u>Waterfront Manufacturing Subdistrict¹</u> | <u>Waterfront Service Subdistrict¹</u> | <u>Waterfront Commercial Subdistrict¹</u> |
|--|---|---|---|--|
| Maximum Floor Area Ratio | 2.0 | 1.0(2) | 1.0 | 1.0 |
| Maximum Building Height (ft.) | 55(3) | 55 | 35 | 55 |
| Minimum Lot Size (sq.ft.) | none | none | none | none |
| Minimum Lot Area per Dwelling Unit (sq.ft.) | none | none | none | none |
| Minimum Lot Width (ft.) | none | none | none | none |
| Minimum Lot Frontage (ft.) | none | none | none | none |
| Minimum Front Yard (ft.) (4) | none | none | none | none |
| Minimum Side Yard (ft.) (5) | none | none | none | none |
| Minimum Rear Yard (ft.) (6) | none | none | none | none |
| Minimum Open Space (sq.ft.) | none | none | (7) | (7) |

TABLE H - Continued

1. Notwithstanding any contrary provision of this Table H, the provisions of Sections 53-13 through 53-20 (Regulations Applicable on Tidelands and in Waterfront Subdistricts) apply to any Lot located (a) on Tidelands subject to Chapter 91 of the Massachusetts General Laws, or (b) in any Waterfront Subdistrict.
2. Except that a maximum floor area ratio of 2.0 is allowed within the Upper Chelsea Creek Waterfront Manufacturing Subdistrict.
3. Except for cranes, silos, storage facilities, or other mechanical devices or facilities used for the transfer of goods from land to waterborne vessels or for the processing of such goods.
4. Provided that a lot adjacent to a Residential Subdistrict shall have a front yard of 35 feet. See also Section 53-18 (Waterfront Yard Area Requirements).
5. Provided that a lot adjacent to a Residential Subdistrict shall have a side yard of 35 feet. See also Section 53-18 (Waterfront Yard Area Requirements).
6. Provided that a lot adjacent to a Residential Subdistrict shall have a rear yard of 35 feet. See also Section 53-18 (Waterfront Yard Area Requirements).
7. See Section 53-17 (Waterfront Open Space Requirements).

TABLE I

East Boston Neighborhood District

Dimensional Regulations
Conservation Protection Subdistricts^{1, 2}

| | |
|-----------------------------------|------|
| Maximum Floor Area Ratio (3) | 0.5 |
| Maximum Building Height (ft.) (3) | 35 |
| Residential Use | (4) |
| Other Use | |
| Minimum Lot Size (sq.ft.) | none |
| Minimum Lot Width (ft.) | none |
| Minimum Lot Frontage (ft.) | none |
| Minimum Front Yard (ft.) | 20 |
| Minimum Side Yard (ft.) | none |
| Minimum Rear Yard (ft.) | none |

1. Notwithstanding any contrary provision of this Table I, the provisions of Sections 53-13 through 53-20 (Regulations Applicable on Tidelands and in Waterfront Subdistricts) apply to any Lot located (a) on Tidelands subject to Chapter 91 of the Massachusetts General Laws, or (b) in any Waterfront Subdistrict.
2. A Proposed Project in a Conservation Protection Subdistrict may be subject to the site plan review and approval regulations set forth in Section 53-30.
3. For maximum Building Heights and Floor Area Ratios for Planned Development Areas, see Section 53-45.
4. For any Residential Use, as defined in Article 2A, there shall be a maximum of eight (8) dwelling units per acre.

TABLE J

East Boston Neighborhood District

Dimensional Regulations
Corridor Enhancement, Community Facilities, and
Waterfront Community Facilities Subdistricts

| | Corridor Enhancement Subdistrict ¹ | Community Facilities Subdistrict and Waterfront Community Facilities Subdistrict ¹ |
|---|---|--|
| Maximum Floor Area Ratio | 1.0 (2) | 1.0 |
| Maximum Building Height (ft.) | 35 (2) | 35 |
| Minimum Lot Size (sq.ft.) | none | none |
| Minimum Lot Area per Dwelling Unit (sq.ft.) | 50 | 50 |
| Minimum Lot Width (ft.) | none | none |
| Minimum Lot Frontage (ft.) | none | none |
| Minimum Front Yard (ft.) (3) | none | none |
| Minimum Side Yard (ft.) | none | none |
| Minimum Rear Yard (ft.) (4) | 20 | 20 |

TABLE J - Continued

1. Notwithstanding any contrary provision of this Table J, the provisions of Sections 53-13 through 53-20 (Regulations Applicable on Tidelands and in Waterfront Subdistricts) apply to any Lot located (a) on Tidelands subject to Chapter 91 of the Massachusetts General Laws, or (b) in any Waterfront Subdistrict.
2. For maximum Building Heights and Floor Area Ratios for Planned Development Areas, see Section 53-45.
3. In a required front yard in a Corridor Enhancement Subdistrict or Community Facilities Subdistrict, no plaza, terrace, or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

In a Corridor Enhancement Subdistrict or Community Facilities Subdistrict, every front yard required by this Code shall be at grade level along every lot line on which such yard abuts.
4. In a Corridor Enhancement Subdistrict or Community Facilities Subdistrict, every rear yard required by this Code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE K

**East Boston Neighborhood District
Dimensional Regulations
Local Industrial Subdistricts¹**

| | |
|---|------|
| Maximum Floor Area Ratio | 1.0 |
| Maximum Building Height (ft.) | 35 |
| Minimum Lot Size (sq.ft.) | none |
| Minimum Lot Area per Dwelling Unit (sq.ft.) | none |
| Minimum Usable Open Space per Dwelling Unit (sq.ft.) | 50 |
| Minimum Lot Width (ft.) | none |
| Minimum Lot Frontage (ft.) | none |
| Minimum Front Yard (ft.) (2) | none |
| Minimum Side Yard (ft.) (3) | none |
| Minimum Rear Yard (ft.) | 20 |

1. Notwithstanding any contrary provision of this Table K, the provisions of Sections 53-13 through 53-20 (Regulations Applicable on Tidelands and in Waterfront Subdistricts) apply to any Lot located (a) on Tidelands subject to Chapter 91 of the Massachusetts General Laws, or (b) in any Waterfront Subdistrict.

TABLE K - Continued

2. Provided that a Lot with a Front Lot Line abutting a Residential Subdistrict shall have a Front Yard as if it were in such abutting subdistrict.
3. Provided that a Lot with a side Lot line abutting a Residential Subdistrict shall have Side Yards as if it were in such abutting subdistrict. Every Side Yard so required that does not abut a street line shall, along every Lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE L

East Boston Neighborhood District

Dimensional Regulations
Economic Development Areas^{1, 2}

| | Saratoga Street EDA | McClellan Highway EDA | Suffolk Downs EDA |
|-----------------------------------|------------------------|--------------------------|----------------------|
| Maximum Floor Area Ratio (2) | 2.0 | 2.0 | 2.0 |
| Maximum Building Height (ft.) (2) | 35 | 45 | 45 |
| Minimum Lot Size (sq.ft.) | none | none | none |
| Minimum Lot Width (ft.) | none | none | none |
| Minimum Lot Frontage (ft.) | none | none | none |
| Minimum Front Yard (ft.) | none | none | none |
| Minimum Side Yard (ft.) (3) | none | none | none |
| Minimum Rear Yard (ft.) | 20 | 20 | 20 |

1. Notwithstanding any contrary provision of this Table L, the provisions of Section 53-13 and Sections 53-17 through 53-20 (concerning regulations applicable on Tidelands) apply to any Lot located on Tidelands subject to Chapter 91 of the Massachusetts General Laws.
2. For maximum Building Heights and Floor Area Ratios for Planned Development Areas, see Section 53-45.

TABLE L - Continued

3. In an Economic Development Area, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE M

East Boston Neighborhood District

Dimensional Regulations
Logan International Airport Subdistrict¹

| | |
|-------------------------------|----------|
| Maximum Floor Area Ratio | 2.0 |
| Maximum Building Height (ft.) | none (2) |
| Minimum Lot Size (sq.ft.) | none |
| Minimum Lot Width (ft.) | none |
| Minimum Lot Frontage (ft.) | none |
| Minimum Front Yard (ft.) | none (3) |
| Minimum Side Yard (ft.) | none (3) |
| Minimum Rear Yard (ft.) | none (3) |

-
1. Notwithstanding any contrary provision of this Table M, the provisions of Section 53-13 and Sections 53-17 through 53-20 (concerning regulations applicable on Tidelands) apply to any Lot located on Tidelands subject to Chapter 91 of the Massachusetts General Laws.
 2. Except that the maximum Building Height is 55 feet within 100 feet of the mean high tide line.
 3. No Front, Side or Rear Yard is required except in the case of a Lot adjacent to (a) a public street, (b) a public park, or (c) another subdistrict, in which case Section 53-41 shall apply.

Table N

Off-Street Parking Requirements

**Proposed Projects Under 50,000 Square Feet
of Gross Floor Area(1)**

| | <u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u> |
|--------------------------------------|---|
| <u>Banking and Postal Uses</u> | 1.0 |
| <u>Community Uses</u> | 1.0 |
| <u>Educational Uses</u> | |
| Day Care Center | 0.7 |
| Elementary or Secondary School | 0.7 |
| Kindergarten | 0.7 |
| Other Educational Uses | 1.0 |
| <u>Health Care Uses</u> | 1.0 |
| <u>Industrial Uses</u> | 0.5 |
| <u>Office Uses</u> | 2.0 |
| <u>Public Service Uses</u> | |
| Police Station | 1.0 |
| Fire Station | 1.0 |
| Other Public Service Uses | 0 |
| <u>Research and Development Uses</u> | 0.5 |
| <u>Retail Uses</u> | 2.0 |
| <u>Service and Trade Uses</u> | 2.0 |
| <u>Storage Uses, Major</u> | 0.5 |
| <u>Transportation Uses</u> | 0.25 |
| <u>Vehicular Uses</u> | 0.5 |
| <u>Wholesale Uses</u> | 0.25 |

1. For Proposed Projects of 50,000 or more square feet, see Section 53-50.

**Off-Street Parking Requirements
Public Assembly Uses**

**Proposed Projects Under 50,000 Square Feet
of Gross Floor Area(1)**

| | <u>If there are seats: (spaces per seat)(2)</u> | <u>If there are no seats (spaces per 1,000 square feet of public floor area in structures)(2)</u> |
|---------------------------|---|---|
| <u>Cultural Uses</u> | 0.2 | 2.0 |
| <u>Entertainment Uses</u> | 0.3 | 4.0 |
| <u>Funerary Uses</u> | | |
| Funeral home | 0.2 | 3.0 |
| Mortuary chapel | 0.2 | 3.0 |
| All other funerary uses | none | none |
| <u>Places of Worship</u> | 0.2 | 3.0 |
| <u>Restaurant Uses</u> | | |
| Restaurant | 0.3 | 4.0 |
| Other Restaurants | 0.15 | 0.5 |
| <u>Open Space Uses</u> | | |
| Stadium | 0.2 | N/A |
| Other Open Space Uses | 0.2 | 2.0 |

1. For Proposed Projects of 50,000 or more square feet of gross floor area, see Section 53-50.
2. Where benches are used, each two (2) lineal feet of bench shall constitute one (1) seat.

Table N - Continued

**Off-Street Parking Requirements
Residential and Related Uses**

**Proposed Projects Under 50,000 Square Feet of
Gross Floor Area(1)**

Off-Street Parking
Requirement (spaces
per dwelling unit)(2)

Dormitory/Fraternity Uses

0.5

Hotel and Conference Center Uses

| | |
|-------------------|-----|
| Bed and Breakfast | 0.7 |
| Conference Center | 0.7 |
| Executive Suites | 0.7 |
| Hotel | 0.7 |
| Motel | 1.0 |

Residential Uses

| | |
|--|------|
| Elderly Housing | 0.25 |
| Group Care Limited | 0.25 |
| Lodging House | 0.5 |
| Transitional Housing or Homeless Shelter | 0.25 |
| Other Residential Uses(3) | |
| 1-3 units | 1.0 |
| 3-6 units | 1.5 |
| 7-9 units | 1.75 |
| 10+ units | 2.0 |

1. For Proposed Projects of 50,000 or more square feet of gross floor area, see Section 53-50.
2. Where a use is not divided into Dwelling Units:
 - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two (2) people, each group of four (4) beds shall constitute a Dwelling Unit.
3. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement for Proposed Projects under 50,000 square feet of gross floor area shall be 0.7 parking spaces per Dwelling Unit.

Table O

Off-Street Loading Requirements

**Proposed Project Under 50,000 Square Feet of
Gross Floor Area(1)**

| <u>Gross Floor Area</u> | <u>Required Off-Street Loading Bays</u> |
|---------------------------|---|
| 0-15,000 square feet | 0 |
| 15,001-30,000 square feet | 1.0 |
| 30,001-49,999 square feet | 2.0 |

1. For Proposed Projects of 50,000 or more square feet, see Section 53-50.

Richard B. Tuler

Chairman

Robert L. Nean

Vice Chairman

Robert Tuler

Donald J. Amabile Jr.

Edward D. Agostino

Brent L. Hay

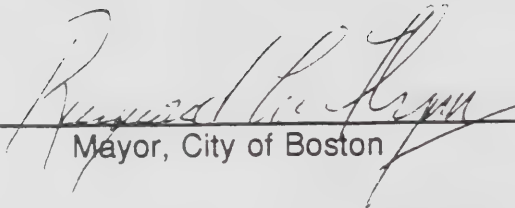
John Bean

In Zoning Commission

Adopted January 19, 1993

Attest: *Ulaquente Heldt*

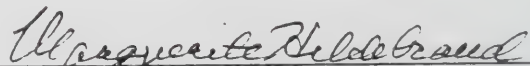
Secretary



Mayor, City of Boston

Date: February 16, 1993

The foregoing amendment was presented to the Mayor on January 29, 1993, and was signed by him on February 16, 1993, whereupon it became effective on February 16, 1993, in accordance with Section 3 of Chapter 665 of the Acts of 1956.

Attest: 

Secretary to the Zoning Commission

Text Amendment Application No. 224
Boston Redevelopment Authority
North End Neighborhood District

TEXT AMENDMENT NO. 193
THE COMMONWEALTH OF MASSACHUSETTS
CITY OF BOSTON
IN ZONING COMMISSION

EFFECTIVE
May 17, 1993*

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning Code as follows:

By inserting, after Article 53, the following article:

ARTICLE 54
NORTH END NEIGHBORHOOD DISTRICT

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| Section | 54-1 | Statement of Purpose, Goals, and Objectives |
| | 54-2 | Recognition of the North End Neighborhood Plan |
| | 54-3 | Physical Boundaries |
| | 54-4 | Applicability |
| | 54-5 | Prohibition of Planned Development Areas |
| | 54-6 | North End/Central Artery Area |
| | 55-7 | Community Participation |

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

| | | |
|---------|-------|--|
| Section | 54-8 | Establishment of Residential Subdistricts |
| | 54-9 | Use Regulations Applicable in Residential Subdistricts |
| | 54-10 | Dimensional Regulations Applicable in Residential Subdistricts |

* Date of public notice: March 18, 1993 (see St. 1956, c. 665, s. 5).

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

- | | | |
|---------|-------|--|
| Section | 54-11 | Establishment of Neighborhood Business Subdistricts |
| | 54-12 | Use Regulations Applicable in Neighborhood Business Subdistricts |
| | 54-13 | Dimensional Regulations Applicable in Neighborhood Business Subdistricts |

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

- | | | |
|---------|-------|--|
| Section | 54-14 | Establishment of Open Space Subdistricts |
|---------|-------|--|

REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

- | | | |
|---------|-------|---|
| Section | 54-15 | Establishment of Freedom Trail Neighborhood Design Overlay District |
|---------|-------|---|

DESIGN AND DEVELOPMENT REVIEW REQUIREMENTS

- | | | |
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| Section | 54-16 | Applicability of Article 31 Development Review |
| | 54-17 | Design Review |
| | 54-18 | Roof Structure and Building Height Restrictions |
| | 54-19 | Specific Design Requirements |

MISCELLANEOUS PROVISIONS

- | | | |
|---------|-------|--|
| Section | 54-20 | Sign Regulations |
| | 54-21 | Off-Street Parking and Loading Requirements |
| | 54-22 | Application of Dimensional Requirements |
| | 54-23 | Nonconformity as to Dimensional Requirements |
| | 54-24 | Regulations |
| | 54-25 | Severability |
| | 54-26 | Definitions |
| | 54-27 | Tables |

SECTION 54-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish the zoning regulations for a neighborhood plan for the North End Neighborhood District. The goals and objectives of this Article and the North End Neighborhood Plan are to manage the future development of the North End for the benefit of the inhabitants of the North End and Boston; to preserve and enhance the North End neighborhood; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the North End neighborhood; to lessen congestion in the streets; to provide adequate light and air, and to prevent overcrowding of land; to promote appropriate economic development for the benefit of

residents; to promote residential development that is affordable to all segments of the community, particularly low and moderate income residents; to discourage displacement of residents; to preserve, enhance, and create open space to be enjoyed by residents; and to promote the public safety, health and welfare of the people of Boston.

SECTION 54-2. Recognition of the North End Neighborhood Plan. The Commission shall recognize the North End Neighborhood Plan, when adopted by the Boston Redevelopment Authority, as the general plan for the North End Neighborhood District. The North End Neighborhood Plan also shall serve as the portion of the general plan for the City of Boston applicable to the North End Neighborhood District. This Article is an integral part of, and one of the means of implementing, the North End Neighborhood Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 54-3. Physical Boundaries. The provisions of this Article are applicable only in the North End Neighborhood District. The boundaries of the North End Neighborhood District and its subdistricts are as shown on the map numbered 1L and entitled "North End Neighborhood District" (supplemental to "Map 1 Boston Proper"), of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 54-4. Applicability. This Article, together with the rest of this Code, constitutes the zoning regulation for the North End Neighborhood District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern, except as otherwise expressly provided in Section 54-6 (North End/Central Artery Area). Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7, and Articles 13 through 24 of this Code for the North End Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

SECTION 54-5. Prohibition of Planned Development Areas. Within the North End Neighborhood District, no Planned Development Area shall be permitted.

SECTION 54-6. North End/Central Artery Area. The North End/Central Artery Area is shown on "Map 1Xa" and "Map 1Xb," both entitled "Central Artery Special District (supplemental to 'Map 1 Boston Proper')," of the series of maps entitled "Zoning Districts City of Boston," as amended, and is further described in Article 49.

Notwithstanding any contrary provision of this Article, the North End/Central Artery Area is governed by the applicable use, dimensional, and other requirements of Article 49, Central Artery Special District. The provisions of Sections 54-9 and 54-10 (Use and Dimensional Regulations in Residential Subdistricts), Sections 54-12 and 54-13 (Use and Dimensional Regulations in Neighborhood Business Subdistricts), Section 54-19 (Specific Design Requirements), and Section 54-21 (Off-Street Parking and Loading Requirements) are not applicable in the North End/Central Artery Area. All other provisions of this Article are applicable within the North End/Central Artery Area, in addition to the provisions of Article 49, except that the provisions of Section 54-17 (Design Review) shall apply only within that portion of the North End/Central Artery Area identified in Article 49 as Parcels 11 and 11A. Where conflicts exist between the provisions of this Article and those of Article 49, the provisions of Article 49 shall govern, except that the provisions of Section 54-18 (Roof Structure and Building Height Restrictions) shall apply to all parcels within the North End/Central Artery Area, superseding Section 16-8 (Restricted Roof Structure Districts), notwithstanding any contrary provision of Article 49.

The Central Artery Special District Plan, as that term is defined in Article 49, shall be part of the general plan for the North End Neighborhood District as it applies to the North End/Central Artery Area.

SECTION 54-7. Community Participation. This Article has been developed with the extensive participation of the residents and business community of the North End Neighborhood. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the North End/Waterfront Neighborhood Council, or its successor organization, if any, and the North End's civic associations, residents, and business and trade groups, shall continue to play an ongoing role in advising the City on land use planning for the North End.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 54-8. Establishment of Residential Subdistricts. This Section 54-8 establishes Residential Subdistricts within the North End Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; and to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.
2. Multifamily Residential/Local Services ("MFR/LS") Subdistricts. The Multifamily Residential/Local Services ("MFR/LS") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two-, and three-family Dwellings, Row Houses, Town Houses, Multifamily Dwellings and ground floor commercial uses.

SECTION 54-9. Use Regulations Applicable in Residential Subdistricts. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.

SECTION 54-10. Dimensional Regulations Applicable in Residential Subdistricts.

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height, and FAR Requirements. The minimum allowed Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table C of this Article.

2. Location of Parking. Accessory off-street parking in Residential Subdistricts shall not be located in any part of a Front Yard required by this Article.
3. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line; provided that within the MFR/LS Subdistricts, any entrance to a Dwelling located above a ground floor nonresidential use may face the side or rear Lot Line.

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 54-11. **Establishment of Neighborhood Business Subdistricts.**

This Section 54-11 establishes Neighborhood Business Subdistricts within the North End Neighborhood District. There are two types of Neighborhood Business Subdistricts: Neighborhood Shopping ("NS") Subdistricts, which encourage smaller retail and community uses that serve the residents of the North End Neighborhood District, and Community Commercial ("CC") Subdistricts providing a diversified commercial environment serving larger markets. Both types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the North End community.

The following Neighborhood Business Subdistricts are established:

1. Salem Street Neighborhood Shopping (NS) Subdistrict
2. Mercantile Neighborhood Shopping (NS) Subdistrict
3. Commercial Wharf Neighborhood Shopping (NS) Subdistrict
4. Waterfront Neighborhood Shopping (NS) Subdistrict
5. Hanover Street Community Commercial (CC) Subdistrict
6. North Washington Street Community Commercial (CC) Subdistrict.

SECTION 54-12. Use Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

SECTION 54-13. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 54-14. Establishment of Open Space Subdistricts. This Section 54-14 establishes Open Space ("OS") Subdistricts in the North End Neighborhood District as indicated in Table 1, below. The purpose of the Open Space Subdistricts is to enhance the quality of life for North End residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts).

1. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses, and are subject to the provisions of Section 33-14.
2. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.
3. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10.
4. Urban Plaza Open Space (OS-UP) Subdistrict. Urban Plaza Open Space Subdistricts shall consist of land appropriate for passive recreational uses; and are subject to the provisions of Section 33-15.

TABLE 1

**Open Space Subdistricts in the
North End Neighborhood District**

| <u>Subdistrict Designation</u> | <u>Location/Name</u> |
|------------------------------------|---|
| Cemetery | Copps Hill Cemetery |
| Parkland | Charter Street Playground Copps Hill Terrace |
| Recreation | Cutillo Playground Defilippo Playground Douglas Court Play Area Foster Street Playground Polcari Playground |
| Urban Plaza | Rachel Revere Square Paul Revere Mall |

REGULATIONS APPLICABLE IN OVERLAY DISTRICT

SECTION 54-15. Establishment of Freedom Trail Neighborhood Design Overlay District. This Section 54-15 establishes the Freedom Trail Neighborhood Design Overlay District ("NDOD") as an overlay to residential and commercial subdistricts within the North End Neighborhood District.

The Freedom Trail Neighborhood Design Overlay District is established to protect the existing scale of the area, the quality of the pedestrian environment, the character of the residential/commercial mixed-use neighborhoods, and the concentrations of historic buildings within the area.

Design review regulations applicable within the Freedom Trail Neighborhood Design Overlay District are set forth in Section 54-17. All use, dimensional, and other provisions applicable to the underlying subdistricts are applicable within the Freedom Trail Neighborhood Design Overlay District.

REGULATIONS GOVERNING DEVELOPMENT REVIEW AND DESIGN REVIEW

SECTION 54-16. Applicability of Article 31 Development Review. In order to ensure that growth in the North End Neighborhood District is compatible with the character of the buildings and landscape and that new development is of a quality that enhances the neighborhood visually and economically and is not damaging to environmental quality, the provisions of Article 31 (Development Review Requirements) apply to the following Proposed Projects.

Notwithstanding any provision of Section 31-4 to the contrary, the provisions of Article 31 (Development Review Requirements), other than Section 31-3, shall be applicable, except where otherwise specified in this Article, to any Proposed Project to:

- (a) erect a Building or Structure having a Gross Floor Area of fifty thousand (50,000) or more square feet; or
- (b) enlarge a Building or Structure so as to increase its Gross Floor Area by fifty thousand (50,000) or more square feet; or
- (c) establish or change the uses of a Gross Floor Area of fifty thousand (50,000) or more square feet; or
- (d) establish or change to conditional or forbidden uses the uses of a Gross Floor Area of fifty thousand (50,000) or more square feet.

The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to the provisions of this Section 54-16 unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with the applicable provisions of Article 31 and this Section 54-16.

SECTION 54-17. Design Review.

1. **Applicability of Design Review.** The provisions of this Section 54-17 shall apply only to those Proposed Projects specified in this Section 54-17 that are not otherwise subject to Article 31 development review pursuant to Section 54-16 or by election.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority:

- (a) **Projects Adding 10,000 Square Feet of Floor Area.** Any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate Gross Floor Area of ten thousand (10,000) or more square feet.
- (b) **Certain Projects Adding Dwelling Units.** Any Proposed Project for the construction of fifteen (15) or more Dwelling Units (but not including rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more Dwelling Units).

- (c) Certain Projects Requiring Zoning Relief. Any Proposed Project requiring zoning relief for the erection or extension of a Building with a Gross Floor Area of two hundred (200) or more square feet, or for an exterior alteration affecting two hundred (200) or more square feet of a Building facade, if such new Building, extension, or facade alteration is visible from any public street or public open space.
- (d) Certain Projects in Neighborhood Design Overlay Districts. Within Neighborhood Design Overlay Districts, any exterior alteration changing the roof shape, cornice line, Street Wall height, or Building Height of an existing Building, and any Proposed Project for the erection or extension of a Building with a Gross Floor Area of two hundred (200) or more square feet, or for an exterior alteration to change the Building massing or the size or location of door or window openings, where such exterior alteration affects two hundred (200) or more square feet of a Building facade, if such new Building, extension, or facade alteration is visible from any public street or public open space.

The provisions of this Section 54-17 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project that is subject to the provisions of this Section 54-17 unless the Director of the Boston Redevelopment Authority has certified that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

- 2. Procedure for Design Approval. Each application for a permit for a Proposed Project which is subject to design review by the Boston Redevelopment Authority pursuant to this Section 54-17 shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other two copies to the Boston Redevelopment Authority, which shall transmit one copy to the North End/Waterfront Neighborhood Council or its successor organization, if any. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the guidelines set forth in Section 54-17.4 or is not consistent with those guidelines; provided that if no such findings are transmitted to the Inspectional Services Department within thirty (30) days of the receipt by the Boston Redevelopment Authority of the completed Design Review Application for the Proposed Project, the Proposed Project shall be deemed to be consistent with the guidelines set forth in

Section 54-17.4 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 54-17 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

3. Content of Design Review Application. A Design Review Application shall consist of such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project is consistent with the guidelines set forth in Section 54-17.4. Such materials shall set forth, for the existing conditions and for the Proposed Project: vehicular access and egress to and from the site; location and dimensions of all buildings, structures, and parking and loading areas; relationships of primary buildings to secondary buildings; landscaping and screening; roof shapes, cornice lines, and roof structures; facade articulation, fenestration, and other architectural features; and proposed sign locations.
4. Design Guidelines. The Boston Redevelopment Authority shall review each Proposed Project that is subject to design review under this Section 54-17 for consistency with the following design guidelines.
 - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
 - (b) Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
 - (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.
 - (d) New or rehabilitated buildings should reflect and complement the patterns of siting and architectural character of the surrounding structures. The removal or alteration of any historic architectural feature should be held to a minimum.
 - (e) Distinctive features such as the size, scale, mass, color, and building materials should be retained, if possible, when rehabilitating buildings. This should include roofs, roof profiles, existing window and door

openings, steps, porches, and other features that give the neighborhood its distinguishing character.

- (f) Deteriorated architectural features should be repaired rather than be replaced, wherever possible and appropriate, when rehabilitating buildings. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based as much as possible on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (g) Contemporary design for new structures, or for additions to existing structures, shall not be discouraged, if such design is compatible with the size, material, and character of the existing structure, if any, and the surrounding neighborhood environment. Alterations to create earlier or later appearances are discouraged.
- (h) New construction should reflect the traditional location and relationship of buildings on their sites. This includes setback from streets, spacing among buildings, and orientation of openings to the street and neighboring structures. In addition, the location of buildings should respect significant landscape features on the site.
- (i) New construction should respect the standards of scale of existing building patterns in order to maintain the neighborhood's special qualities. Overall building massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (j) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows or entrances facing onto pedestrian areas, should be avoided to the extent practicable in building designs. The standards of Section 54-19.2 relating to display window area should be observed where practicable and appropriate.
- (k) Storefronts should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the North End's finest commercial architecture. Street Wall continuity should be maintained.

- (l) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (m) Roofs of buildings should be designed to minimize the visibility of roof structures and penthouses normally built above the roof and not designed to be used for human occupancy. Specific roof structure restrictions are contained in Section 54-18.
- (n) When appropriate, mechanical equipment should be sound insulated to minimize impacts on adjacent Lots.
- (o) A clearly defined zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.
- (p) In addition to the foregoing, design features of a Proposed Project should take into consideration any special characteristics of the site and its location, and should enhance and reinforce any historic qualities of existing structures.

SECTION 54-18. Roof Structure and Building Height Restrictions. In the North End Neighborhood District, no roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building; (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck unless, after public notice

and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, one (1) foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty (20) feet wide.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the building height if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet.

The height of any building existing as of June 24, 1985, shall determine the allowed building height on that lot subsequent to total or partial demolition or destruction of such building. Any proposed construction on the lot that would exceed the prior height shall require Board of Appeal approval, and shall be subject to the roof structure and building height restrictions of this Section 54-18 and the height limits applicable to the subdistrict in which the lot is located. In making its decision, the Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures and/or significantly restricting views from roofs, windows, doors, or balconies. Notwithstanding anything in Article 2A respecting the definition of the term "grade," if a building abuts more than one street, "grade" is the average elevation of the street with the lowest elevation.

SECTION 54-19. Specific Design Requirements. Except as otherwise expressly provided in this Article or Code, all Proposed Projects within those subdistricts specified in this Section 54-19 shall comply with the following design requirements, except to the extent that Street Wall and display window requirements have been addressed through Article 31 development review, or through design review pursuant to Section 54-17. The provisions of Article 6A shall be applicable to the provisions of this Section 54-19.

1. Street Wall Continuity in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts. This Section 54-19.1 shall apply within the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new Structure or the extension of an existing Structure, where such extension changes the location of a Street Wall.

In any Proposed Project that is subject to this Section 54-19.1, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall

be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then, notwithstanding any contrary provision of Section 54-17, the Proposed Project shall be deemed to be subject to the design review provisions of Section 54-17 for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 54-19.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

2. Display Window Area Regulations in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts. This Section 54-19.2 shall apply in the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Section 54-19.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.
 - (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 54-19.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.
 - (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

- (c) Free-standing Signs. Free-standing Signs shall be permitted only for Gasoline Stations. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of fifteen (15) square feet. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those in existence on the effective date of this Article, is forbidden in the North End Neighborhood District.
- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

SECTION 54-21. Off-Street Parking and Loading Requirements. For any Proposed Project that is subject to the provisions of Article 31, pursuant to Section 54-16 or by election, required off-street parking spaces and off-street loading facilities shall be determined through development review in accordance with the provisions of Article 31. For all other Proposed Projects, the minimum required off-street parking spaces are set forth in Table E, and the minimum required off-street loading facilities are set forth in Table F.

1. Restricted Parking District. In the North End Neighborhood District, which is a restricted parking district pursuant to Section 3-1A(c), off-street parking facilities, including parking lots, parking garages, and parking accessory or ancillary to any use other than a Residential Use, a Dormitory or Fraternity Use, or a Hotel Use, shall be conditional uses which may be granted only in conformance with the provisions of Section 6-3A as well as Sections 6-2, 6-3, and 6-4.
2. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.

3. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its Gross Floor Area or the number of Dwelling Units, only the additional Gross Floor Area or the additional number of Dwelling Units shall be counted in computing the off-street parking facilities required.
4. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
5. Location.
 - (a) Off-Street parking and loading spaces shall not be located in any part of the Front Yards or Landscaped Areas required by this Article.
 - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 54-21 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; and (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.
 - (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking space are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

- (d) The off-street parking spaces required by this Article for a Dwelling Unit should be used by the vehicles for which such parking spaces are required.
6. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:
- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic, and shall be accessible to physically handicapped persons. All lighting shall be so arranged as to shine downward and away from streets and residences.
 - (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
 - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.
 - (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
7. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 54-22. Application of Dimensional Requirements.

1. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.

2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard which is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.
3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 54-22. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
5. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.
6. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one-half (1-1/2) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot in a Residential Subdistrict be less than five (5) feet wide, or in any other district less than six (6) feet wide. No Side Yard in which there is a driveway providing access to off-street parking, or off-

street loading, facilities required by this Article shall be less than ten (10) feet wide.

7. Accessory Buildings in Rear Yards. Accessory Buildings may be erected in a Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any side Lot line.
8. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
9. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
10. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.
11. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings and parapets of such Structure, shall not extend more than five (5) feet above Grade.
12. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards, shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 54-22.12 if it finds that open space for all

occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 54-22.12 were met.

13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 54-23. Nonconformity as to Dimensional Requirements. A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article, may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 54-24. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 54-25. Severability. The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 54-26. Definitions. Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 54-27. Tables. The following tables are hereby made part of this Article:

Tables A - B Use Regulations

- A - Residential Subdistricts
- B - Neighborhood Business Subdistricts

Tables C - D Dimensional Regulations

- C - Residential Subdistricts
- D - Neighborhood Business Subdistricts

Tables E - F Parking and Loading Regulations

- E - Off-Street Parking
- F - Off-Street Loading

TABLE A

**North End Neighborhood District
Use Regulations
Residential Subdistricts**

Key: A = Allowed, C = Conditional, F = Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | |
|---|----------------------------------|--|----------------------------|
| | | Bsmt. & First Story | Second Story & Above |
| <u>Banking and Postal Uses</u> | | | |
| Automatic teller machine | F | F | F |
| Bank | F | F | F |
| Drive-in bank | F | F | F |
| Post office | F | F | F |
| <u>Community Uses</u> | | | |
| Adult education center | A | A | A |
| Community center | A | A | A |
| Day care center | C | C | C |
| Day care center, elderly | C | C | C |
| Library | A | A | A |
| Place of worship; monastery; convent; parish house | A | A | A |

TABLE A - Continued

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | | |
|---|----------------------------------|--|----------------------------|--|
| | | Bsmt. & First Story | Second Story & Above | |
| <u>Cultural Uses</u> | | | | |
| Art gallery | F | C | F | |
| Art use | F | F | F | |
| Auditorium | F | F | F | |
| Cinema | F | F | F | |
| Concert hall | F | F | F | |
| Museum | F | C | F | |
| Public art, display space | F | C | F | |
| Studios, arts | F | F | F | |
| Studios, production | F | F | F | |
| Theatre | F | F | F | |
| Ticket sales | F | F | F | |
| <u>Dormitory/Fraternity Uses</u> | | | | |
| Dormitory not accessory to a use | C | C | C | |
| Fraternity | C | C | C | |
| <u>Educational Uses</u> | | | | |
| College or university | C | C | C | |
| Elementary or secondary school ⁽¹⁾ | C | C | C | |
| Kindergarten | C | C | C | |
| Professional school | C | C | C | |
| Trade school | C | C | C | |

TABLE A - Continued

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | |
|--|----------------------------------|--|----------------------------|
| | | Bsmt. & First Story | Second Story & Above |
| <u>Entertainment and Recreational Uses</u> | | | |
| Adult entertainment | F | F | F |
| Amusement game machines in commercial establishment | F | F | F |
| Amusement game machines in non-commercial establishment | F | F | F |
| Bar | F | F | F |
| Bar with live entertainment | F | F | F |
| Bowling alley | F | F | F |
| Billiard parlor | F | F | F |
| Dance hall | F | F | F |
| Drive-in theatre | F | F | F |
| Fitness center or gymnasium | C | C | C |
| Private club not serving alcohol | C | C | F |
| Private club serving alcohol | C | C | F |
| Restaurant with live entertainment, not operating after 10:30 p.m. | F | F | F |
| Restaurant with live entertainment, operating after 10:30 p.m. | F | F | F |
| <u>Funerary Uses</u> | | | |
| Cemetery | C | C | C |
| Columbarium | C | C | C |
| Crematory | C | C | C |

TABLE A - Continued

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | |
|---|----------------------------------|--|----------------------------|
| | | Bsmt. & First Story | Second Story & Above |
| <u>Funerary Uses (cont'd)</u> | | | |
| Funeral home | F | F | F |
| Mortuary chapel | C | C | C |
| <u>Health Care Uses</u> | | | |
| Clinic | C | C | C |
| Clinical laboratory | | | |
| Custodial care facility | F | F | F |
| Group care residence, general | C | C | C |
| Hospital | F | F | F |
| Nursing or convalescent home | C | C | C |
| <u>Hotel and Conference Center Uses</u> | | | |
| Bed and breakfast | A | A | A |
| Conference center | F | F | F |
| Executive suites | C | C | C |
| Hotel | F | F | F |
| Motel | F | F | F |
| <u>Industrial Uses</u> | | | |
| Artists' mixed-use | F | F | F |
| Cleaning plant | F | F | F |
| General manufacturing use | F | F | F |

TABLE A - Continued

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | |
|---|----------------------------------|--|----------------------------|
| | | Bsmt. & First Story | Second Story & Above |
| <u>Industrial Uses (cont'd)</u> | | | |
| Light manufacturing use | F | F | F |
| Printing plant | F | F | F |
| Restricted industrial use | F | F | F |
| <u>Office Uses</u> | | | |
| Agency or professional office | F | A | F |
| General office | F | C | F |
| Office of wholesale business | F | F | F |
| <u>Open Space Uses</u> | | | |
| Golf driving range | F | F | F |
| Grounds for sports, private | A | A | A |
| Open space | A | A | A |
| Open space recreational building | C | C | C |
| Outdoor place of recreation for profit | F | F | F |
| Stadium | F | F | F |
| <u>Public Service Uses</u> | | | |
| Automatic telephone exchange ⁽¹⁾ | C | C | C |
| Courthouse ⁽¹⁾ | C | C | C |
| Fire station ⁽¹⁾ | A | A | A |

TABLE A - Continued

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | |
|---|----------------------------------|--|----------------------------|
| | | Bsmt. & First Story | Second Story & Above |
| <u>Public Service Uses (cont'd)</u> | | | |
| Penal institution | F | F | F |
| Police station ⁽¹⁾ | A | A | A |
| Pumping station ⁽¹⁾ | C | C | C |
| Recycling facility (excluding facilities handling toxic waste) | F | F | F |
| Solid waste transfer station | F | F | F |
| Sub-station ⁽¹⁾ | F | F | F |
| Telephone exchange | F | F | F |
| <u>Research and Development Uses</u> | | | |
| Product development or prototype manufacturing | F | F | F |
| Research laboratory | F | F | F |
| <u>Residential Uses⁽²⁾</u> | | | |
| Congregate living complex | C | C | C |
| Elderly housing | A | A | A |
| Group residence, limited | A | A | A |
| Lodging house | C | C | C |
| Mobile home | F | F | F |
| Mobile home park | F | F | F |
| Multi-family dwelling | A | A | A |

TABLE A - Continued

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | |
|---|----------------------------------|--|----------------------------|
| | | Bsmt. & First Story | Second Story & Above |
| <u>Residential Uses (cont'd)</u> | | | |
| One family detached dwelling | A | A | A |
| One family semi-attached dwelling | A | A | A |
| Orphanage | A | A | A |
| Rowhouse | A | A | A |
| Temporary dwelling structure | C | C | C |
| Three family detached dwelling | A | A | A |
| Townhouse | A | A | A |
| Transitional housing or homeless shelter | A | A | A |
| Two family detached dwelling | A | A | A |
| Two family semi-attached dwelling | A | A | A |
| <u>Restaurant Uses</u> | | | |
| Drive-in restaurant | F | F | F |
| Restaurant | F | F | F |
| Take-out restaurant | F | C | F |
| Small ⁽³⁾ | F | F | F |
| Large ⁽³⁾ | F | F | F |
| <u>Retail Uses⁽⁴⁾</u> | | | |
| Adult bookstore | F | F | F |
| Bakery | F | F | F |
| General retail business | F | F | F |

TABLE A - Continued

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | |
|---|----------------------------------|--|----------------------------|
| | | Bsmt. & First Story | Second Story & Above |
| <u>Retail Uses</u> | | | |
| Liquor store | F | F | F |
| Local retail business | F | A ⁽⁵⁾ | F |
| Outdoor sale of garden supplies | F | C | F |
| <u>Service Uses⁽⁴⁾</u> | | | |
| Animal hospital | F | F | F |
| Barber or beauty shop | F | A ⁽⁵⁾ | F |
| Caterer's establishment | F | C | F |
| Dry-cleaning shop | F | A ⁽⁵⁾ | F |
| Kennel | F | F | F |
| Laundry, retail service | F | F | F |
| Laundry, self-service | F | A ⁽⁵⁾ | F |
| Photocopying establishment | F | A ⁽⁵⁾ | F |
| Shoe repair | F | A ⁽⁵⁾ | F |
| Tailor shop | F | A ⁽⁵⁾ | F |
| <u>Storage Uses, Major</u> | | | |
| Enclosed storage of solid fuel or minerals | F | F | F |
| Outdoor storage of solid fuel or minerals | F | F | F |
| Outdoor storage of new materials | F | F | F |
| Outdoor storage of damaged or disabled vehicles | F | F | F |
| Outdoor storage of junk and scrap | F | F | F |

TABLE A - Continued

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | |
|--|----------------------------------|--|----------------------------|
| | | Bsmt. & First Story | Second Story & Above |
| <u>Storage Uses, Major (cont'd)</u> | | | |
| Storage of flammable liquids and gases | | | |
| Small ⁽⁶⁾ | F | F | F |
| Large ⁽⁶⁾ | F | F | F |
| Warehousing | F | F | F |
| Wrecking yard | F | F | F |
| <u>Trade Uses⁽⁴⁾</u> | | | |
| Carpenters shop | F | F | F |
| Electrician's shop | F | F | F |
| Machine shop | F | F | F |
| Photographer's studio | F | F | F |
| Plumber's shop | F | F | F |
| Radio/television repair | F | F | F |
| Upholsterer's shop | F | F | F |
| Welder's shop | F | F | F |
| <u>Transportation Uses</u> | | | |
| Airport | F | F | F |
| Bus terminal | F | F | F |
| Garage with dispatch | F | F | F |
| Helicopter landing facility | F | F | F |
| Motor freight terminal | F | F | F |

TABLE A - Continued

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | |
|---|----------------------------------|--|----------------------------|
| | | Bsmt. & First Story | Second Story & Above |
| <u>Transportation Uses (cont'd)</u> | | | |
| Rail freight terminal | F | F | F |
| Railroad passenger station | F | F | F |
| Water terminal | F | F | F |
| <u>Vehicular Uses</u> | | | |
| Bus servicing or storage | F | F | F |
| Carwash | F | F | F |
| Gasoline station | F | F | F |
| Indoor sale and installation of automotive parts | F | F | F |
| Indoor sale of automobiles and trucks | F | F | F |
| Outdoor sale of new and used vehicles | F | F | F |
| Parking garage | F | F | F |
| Parking lot | F | F | F |
| Rental agency for cars | F | F | F |
| Rental agency for trucks | F | F | F |
| Repair garage | F | F | F |
| Truck servicing or storage | F | F | F |
| <u>Wholesale Uses</u> | | | |
| Wholesale business | F | F | F |

TABLE A - Continued

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | | |
|---|----------------------------------|--|----------------------------|---|
| | | Bsmt. & First Story | Second Story & Above | |
| <u>Accessory and Ancillary Uses</u> | | | | |
| In each subdistrict of the North End Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory. | | | | |
| Accessory amusement game machines (not more than four) in commercial or non-commercial establishment | F | C | F | F |
| Accessory art use | C | C | F | F |
| Accessory automatic teller machine | F | F | F | F |
| Accessory bus servicing or storage | F | F | F | F |
| Accessory cafeteria | F | F | F | F |
| Accessory cultural uses | C | C | C | C |
| Accessory dormitory | F | F | F | F |
| Accessory drive-through restaurant | F | F | F | F |
| Accessory drive-through retail | F | F | F | F |
| Accessory family day care home | A | A | A | A |
| Accessory home occupation | A | A | A | A |
| Accessory industrial use | F | F | F | F |
| Accessory keeping of animals other than laboratory animals | C | C | C | C |
| Accessory keeping of laboratory animals | C | C | C | C |
| Accessory machine shop | F | F | F | F |
| Accessory manufacture of products | F | F | F | F |

Multifamily Residential (MFR) Multifamily Residential/Local Services (MFR/LS)

Bsmt. & First Story Second Story & Above

Accessory and Ancillary Uses (cont'd)

| | | | |
|--|---|---|---|
| Accessory offices | F | F | |
| Accessory outdoor cafe | F | C | F |
| Accessory parking | A | A | A |
| Accessory personnel quarters | A | A | A |
| Accessory printing | F | F | F |
| Accessory professional office in a dwelling | | | |
| Accessory railroad storage yard | A | A | A |
| Accessory repair garage | F | F | F |
| Accessory retail | F | F | F |
| Accessory recycling | F | F | F |
| Accessory services for apartment and hotel residents | A | A | A |
| Accessory services incidental to educational uses other than a college or university use | | | |
| Accessory services uses | C | C | C |
| Accessory storage of flammable liquids and gases | | | |
| Small ⁽⁶⁾ | A | A | A |
| Large ⁽⁶⁾ | A | A | A |
| Accessory storage or transfer of toxic waste | | | |
| Accessory swimming pool or tennis court ⁽⁷⁾ | F | F | F |
| | A | A | F |

TABLE A - Continued

| | Multifamily Residential (MFR) | Multifamily Residential/Local Services (MFR/LS) | |
|--------------------------------------|----------------------------------|--|----------------------------|
| | | Bsmt. & First Story | Second Story & Above |
| Accessory trade uses | F | F | F |
| Accessory truck servicing or storage | F | F | F |
| Accessory wholesale business | F | F | F |
| Ancillary use ⁽⁶⁾ | C | C | C |

Accessory and Ancillary Uses (cont'd)

Accessory trade uses

Accessory truck servicing or storage

Accessory wholesale business

Ancillary use⁽⁶⁾

1. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
2. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
3. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
4. Where a Retail, Service, or Trade Use is designated "A," it shall be forbidden if merchandise is sold or displayed out-of-doors, or if such establishment is open to the public after midnight or before 6:00 a.m.
5. Where designated "A," such use is conditional if its total gross floor area exceeds 2,500 square feet.
6. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.

7. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
8. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

TABLE B

**North End Neighborhood District
Use Regulations
Neighborhood Business Subdistricts**

Key: A = Allowed, C = Conditional, F = Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

| | <u>Neighborhood Shopping Subdistricts</u> | | <u>Community Commercial Subdistricts</u> | |
|--|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Banking and Postal Uses</u> | | | | |
| Automatic teller machine | C | C ⁽¹⁾ | A | C |
| Bank | C | C ⁽¹⁾ | C | C |
| Drive-in bank | F | F | F | F |
| Post office | C | C ⁽¹⁾ | A | A ⁽²⁾ |
| <u>Community Uses</u> | | | | |
| Adult education center | C | C | A | A |
| Community center | C | C | A | A |
| Day care center | C | C | A | A |
| Day care center, elderly | C | C | A | A |
| Library | C | C | A | A |
| Place of worship; monastery; convent; parish houses | A | A | A | A |

TABLE B - Continued

| | <u>Neighborhood Shopping Subdistricts</u> | | <u>Community Commercial Subdistricts</u> | |
|----------------------------------|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Cultural Uses</u> | | | | |
| Art gallery | C | F | A | A ⁽²⁾ |
| Art use | C | F | A | A ⁽²⁾ |
| Auditorium | C | F | C | C |
| Cinema | C | F | C | F |
| Concert hall | C | F | C | F |
| Museum | C | F | C | C |
| Public art, display space | C | F | A | C |
| Studios, arts | C | F | C | C |
| Studios, production | C | F | C | C |
| Theatre | C | F | C | C |
| Ticket sales | C | F | A | C |
| <u>Dormitory/Fraternity Uses</u> | | | | |
| Dormitory not accessory to a use | C | C | C | C |
| Fraternity | C | C | C | C |
| <u>Educational Uses</u> | | | | |
| College or university | C | C | C | C |
| Elementary or secondary school | C | C ⁽¹⁾ | C | C ⁽¹⁾ |
| Kindergarten | C | C | C | C |
| Professional school | C | C | C | C |
| Trade school | C | C | C | C |

TABLE B - Continued

| | <u>Neighborhood Shopping Subdistricts</u> | | <u>Community Commercial Subdistricts</u> | |
|--|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Entertainment Uses</u> | | | | |
| Adult entertainment | F | F | F | F |
| Amusement game machines in commercial establishment | C | F | C | F |
| Amusement game machines in non-commercial establishment | C | F | C | F |
| Bar ⁽³⁾ | F | F | C | F |
| Bar with live entertainment ⁽³⁾ | F | F | C | F |
| Bowling alley | C | F | C | F |
| Billiard parlor | C | F | C | F |
| Dance hall | C | F | C | F |
| Drive-in theatre | F | F | F | F |
| Fitness center or gymnasium | C | C | C | C |
| Private club not serving alcohol | A | C | A | C |
| Private club serving alcohol | A | C | A | C |
| Restaurant with live entertainment, not operating after 10:30 p.m. | C | F | C | F |
| Restaurant with live entertainment, operating after 10:30 p.m. ⁽³⁾ | C | F | C | F |
| <u>Funerary Uses</u> | | | | |
| Cemetery | F | F | F | F |
| Columbarium | F | F | F | F |
| Crematory | F | F | C | C |
| Funeral home | F | F | C | C |
| Mortuary chapel | F | F | C | C |

TABLE B - Continued

| | <u>Neighborhood Shopping Subdistricts</u> | | | <u>Community Commercial Subdistricts</u> | | |
|---|---|---|--|---|---|--|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | | <u>Basement & First Story</u> | <u>Second Story & Above</u> | |
| <u>Health Care Uses</u> | | | | | | |
| Clinic | C | C | | C | A | |
| Clinical laboratory | C | C | | C | A | |
| Custodial care facility | F | F | | F | F | |
| Group care residence, general | C | C | | C | A | |
| Hospital | F | F | | F | F | |
| Nursing or convalescent home | C | C | | C | A | |
| <u>Hotel and Conference Center Uses</u> | | | | | | |
| Bed and breakfast | | | | | | |
| Conference center | F | C | | C | A | |
| Executive suites | F | F | | C | C | |
| Hotel | F | C | | C | A | |
| Motel | F | F | | C | C | |
| <u>Industrial Uses</u> | | | | | | |
| Artists' mixed-use | | | | | | |
| Cleaning plant | F | F | | F | F | |
| General manufacturing use | F | F | | F | F | |
| Light manufacturing use | F | F | | F | F | |
| Printing plant | F | F | | F | F | |
| Restricted industrial use | F | F | | F | F | |

TABLE B - Continued

| | <u>Neighborhood Shopping Subdistricts</u> | | <u>Community Commercial Subdistricts</u> | |
|---|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Office Uses</u> | | | | |
| Agency or professional office | C | C ⁽¹⁾ | C | A ⁽²⁾ |
| General office | C | C ⁽¹⁾ | C | A ⁽²⁾ |
| Office of wholesale business | F | F | F | F |
| <u>Open Space Uses</u> | | | | |
| Golf driving range | F | F | F | F |
| Grounds for sports, private | C | F | C | F |
| Open space | A | A | A | A |
| Open space recreational building | C | C | C | C |
| Outdoor place of recreation for profit | C | F | C | F |
| Stadium | F | F | F | F |
| <u>Public Service Uses</u> | | | | |
| Automatic telephone exchange | C | C | C | C |
| Courthouse ⁽⁴⁾ | C | C | C | C |
| Fire station ⁽⁴⁾ | C | C | C | C |
| Penal institution ⁽⁴⁾ | F | F | F | F |
| Police station ⁽⁴⁾ | C | C | C | C |
| Pumping station | C | C | C | C |
| Recycling facility (excluding facilities handling toxic waste) | F | F | F | F |

TABLE B - Continued

| | <u>Neighborhood Shopping Subdistricts</u> | | <u>Community Commercial Subdistricts</u> | |
|--|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Public Service Uses (cont'd)</u> | | | | |
| Solid waste transfer station | F | F | F | F |
| Sub-station ⁽⁴⁾ | C | C | C | C |
| Telephone exchange | C | C | C | C |
| <u>Research and Development Uses⁽⁶⁾</u> | | | | |
| Product development or prototype manufacturing | F | F | F | F |
| Research laboratory | F | F | F | F |
| <u>Residential Uses⁽⁵⁾</u> | | | | |
| Congregate living complex | C | A | C | A |
| Elderly housing | C | A | C | A |
| Group residence limited | C | A | C | A |
| Lodging house | C | A | C | A |
| Mobile home | F | F | F | F |
| Mobile home park | F | F | F | F |
| Multi-family dwelling | C | A | C | A |
| One family detached dwelling | C | A | C | A |
| One family semi-attached dwelling | C | A | C | A |
| Orphanage | C | A | C | A |
| Rowhouse | C | A | C | A |
| Temporary dwelling structure | C | C | C | C |
| Three family detached dwelling | C | A | C | A |

TABLE B - Continued

| | <u>Neighborhood Shopping Subdistricts</u> | | <u>Community Commercial Subdistricts</u> | |
|--|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Residential Uses (cont'd)</u> | | | | |
| Townhouse | C | A | C | A |
| Transitional housing or homeless shelter | C | A | C | A |
| Two family detached dwelling | C | A | C | A |
| Two family semi-attached dwelling | C | A | C | A |
| <u>Restaurant Uses</u> | | | | |
| Drive-in restaurant | F | F | F | F |
| Restaurant | C | F | C | F |
| Take-out restaurant | C | F | C | F |
| Small ⁽⁶⁾ | F | F | F | F |
| Large ⁽⁶⁾ | F | F | F | F |
| <u>Retail Uses⁽⁷⁾</u> | | | | |
| Adult bookstore | F | F | F | F |
| Bakery | C | F | A ⁽⁸⁾ | A ⁽¹⁾ |
| General retail business | C | F | A | C ⁽¹⁾ |
| Liquor store | C | F | C | F |
| Local retail business | A ⁽⁸⁾ | F | A | A ⁽²⁾ |
| Outdoor sale of garden supplies | C | F | A | F |

TABLE B - Continued

| | <u>Neighborhood Shopping Subdistricts</u> | | <u>Community Commercial Subdistricts</u> | |
|--|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Service Uses⁽⁷⁾</u> | | | | |
| Animal hospital | C | F | C | C |
| Barber or beauty shop | A ⁽⁸⁾ | F | A | A ⁽²⁾ |
| Caterer's establishment | C | F | A | A ⁽²⁾ |
| Dry-cleaning shop | A ⁽⁸⁾ | F | A | A ⁽²⁾ |
| Kennel | C | F | C | C |
| Laundry, retail service | C | F | C | C |
| Laundry, self service | A ⁽⁸⁾ | F | A | A ⁽²⁾ |
| Photocopying establishment | A ⁽⁸⁾ | F | A | A ⁽²⁾ |
| Shoe repair | A ⁽⁸⁾ | F | A | A ⁽²⁾ |
| Tailor shop | A ⁽⁸⁾ | F | A | A ⁽²⁾ |
| <u>Storage Uses, Major</u> | | | | |
| Enclosed storage of solid fuel or minerals | F | F | F | F |
| Outdoor storage of solid fuel or minerals | F | F | F | F |
| Outdoor storage of new materials | F | F | F | F |
| Outdoor storage of damaged or disabled vehicles | F | F | F | F |
| Outdoor storage of junk and scrap | F | F | F | F |
| Storage of flammable liquids and gases | | | | |
| Small ⁽⁹⁾ | F | F | F | F |
| Large ⁽⁹⁾ | F | F | F | F |
| Warehousing | F | F | F | F |
| Wrecking yard | F | F | F | F |

TABLE B - Continued

| | <u>Neighborhood Shopping Subdistricts</u> | | | <u>Community Commercial Subdistricts</u> | | |
|--------------------------------------|---|---|--|---|---|--|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | | <u>Basement & First Story</u> | <u>Second Story & Above</u> | |
| <u>Trade Uses⁽⁷⁾</u> | | | | | | |
| Carpenters shop | C | C | | A | C | |
| Electrician's shop | C | C | | A | A ⁽²⁾ | |
| Machine shop | C | C | | A | C | |
| Photographer's studio | C | C | | A | A ⁽²⁾ | |
| Plumber's shop | C | C | | A | A ⁽²⁾ | |
| Radio/television repair | C | C | | A | A ⁽²⁾ | |
| Upholsterer's shop | C | C | | A | A ⁽²⁾ | |
| Welder's shop | C | C | | C | C | |
| <u>Transportation Uses</u> | | | | | | |
| Airport | F | F | | F | F | |
| Bus terminal | F | F | | F | F | |
| Garage with dispatch | F | F | | F | F | |
| Helicopter landing facility | F | F | | F | F | |
| Motor freight terminal | F | F | | F | F | |
| Rail freight terminal | F | F | | F | F | |
| Railroad passenger station | F | F | | F | F | |
| Water terminal | F | F | | F | F | |
| <u>Vehicular Uses⁽¹⁰⁾</u> | | | | | | |
| Bus servicing or storage | F | F | | F | F | |
| Carwash | C | F | | C | F | |
| Gasoline station | C | F | | C | F | |

TABLE B - Continued

| | <u>Neighborhood Shopping Subdistricts</u> | | <u>Community Commercial Subdistricts</u> | |
|--|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Vehicular Uses (cont'd)</u> | | | | |
| Indoor sale and installation of automotive parts | C | F | C | F |
| Indoor sale of automobiles and trucks | C | F | C | F |
| Outdoor sale of new and used vehicles | C | F | C | F |
| Parking garage | C | F | C | F |
| Parking lot | C | F | C | F |
| Rental agency for cars | C | F | C | F |
| Rental agency for trucks | C | F | C | F |
| Repair garage | F | F | C | C |
| Truck servicing or storage | C | F | C | F |
| <u>Wholesale Uses</u> | | | | |
| Wholesale business | F | F | F | F |
| <u>Accessory and Ancillary Uses</u> | | | | |

In each subdistrict of the North End Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

| | | | | |
|---|---|---|---|---|
| Accessory amusement game machines (not more than four) in commercial or non-commercial establishment | A | C | A | C |
|---|---|---|---|---|

TABLE B - Continued

| | <u>Neighborhood Shopping Subdistricts</u> | | <u>Community Commercial Subdistricts</u> | |
|---|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | |
| Accessory art use | A | A | A | A |
| Accessory automatic teller machine | C | F | A | C |
| Accessory bus servicing or storage | F | F | F | F |
| Accessory cafeteria | C | C | C | C |
| Accessory cultural uses | C | C | C | C |
| Accessory dormitory | C | C | C | C |
| Accessory drive-through restaurant | F | F | F | F |
| Accessory drive-through retail | F | F | F | F |
| Accessory family day care home | A | A | A | A |
| Accessory home occupation | A | A | A | A |
| Accessory industrial use | F | F | F | F |
| Accessory keeping of animals other than laboratory animals | F | F | F | F |
| Accessory keeping of laboratory animals | F | F | F | F |
| Accessory machine shop | F | F | F | F |
| Accessory manufacture of products | F | F | F | F |
| Accessory offices | F | F | F | F |
| Accessory outdoor cafe | C | F | C | F |
| Accessory parking | A | A | A | A |
| Accessory personnel quarters | A | A | A | A |
| Accessory printing | C | F | C | C |
| Accessory professional office in a dwelling | A | A | A | A |
| Accessory railroad storage yard | F | F | F | F |
| Accessory repair garage | F | F | F | F |
| Accessory retail | A | C | A | A |

TABLE B - Continued

| | <u>Neighborhood Shopping Subdistricts</u> | | <u>Community Commercial Subdistricts</u> | |
|--|---|---|---|---|
| | <u>Basement & First Story</u> | <u>Second Story & Above</u> | <u>Basement & First Story</u> | <u>Second Story & Above</u> |
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | |
| Accessory recycling | F | F | F | F |
| Accessory services for apartment and hotel residents | A | A | A | A |
| Accessory services incidental to educational uses other than a college or university use | C | C | C | C |
| Accessory service uses | C | C | C | C |
| Accessory storage of flammable liquids and gases | | | | |
| Small ⁽⁹⁾ | A | C | A | C |
| Large ⁽⁹⁾ | C | C | C | C |
| Accessory storage or transfer of toxic waste | F | F | F | F |
| Accessory swimming pool or tennis court ⁽¹¹⁾ | A | A | A | A |
| Accessory trade use | C | C | A | C |
| Accessory truck servicing or storage | F | F | F | F |
| Accessory wholesale business | F | F | F | F |
| Ancillary use ⁽¹²⁾ | C | C | C | C |

TABLE B - Continued

1. Except such use is forbidden on the third story and above.
2. Except such use is conditional on the third story and above in the Hanover Street Community Commercial Subdistrict.
3. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
4. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
5. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
6. Small: total gross floor area not exceeding 2,500 square feet per use. Large: total gross floor area exceeding 2,500 square feet per use.
7. Where a Retail, Service, or Trade Use is designated "A," such use is conditional if merchandise is sold or displayed out-of-doors, or if such establishment is open to the public after midnight or before 6:00 a.m.
8. Where designated "A," such use is conditional if its total gross floor area exceeds 2,500 square feet.
9. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
10. Where any such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.

11. Provided that it is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
12. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

TABLE C

**North End Neighborhood District
Dimensional Regulations
Residential Subdistricts**

| Subdistrict | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ⁽¹⁾ Maximum Stories | Feet | Usable Open Space ⁽²⁾ Minimum Sq. Ft. Per Dwelling Unit | Front Yard Minimum Depth (Feet) | Side Yard Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|--|--|--|--------------------------------|--------------------------------------|--------------------------------|---|------|--|---|--|--|---|
| MFR and MFR/LS | | | | | | | | | | | | |
| Row House Building or Town House Building | none | none | none | none | 3.0 | - | 55 | 100 | none ⁽³⁾ | 10 ⁽⁴⁾ | 12 | 25 |
| Any Other Dwelling or Use | none | none | none | none | 3.0 | - | 55 | 100 | none ⁽³⁾ | 10 ⁽⁴⁾ | 12 | 25 |

- For the purpose of determining Building Height, the floor area of a dormer on a dwelling shall not be included in the floor area calculation for a half story; provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of an existing structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation for a half story. However, the floor area of such dormers shall be included in Gross Floor Area of the dwelling. See Section 54-18 for additional Building Height and Roof Structure restrictions.
- Applicable only to Residential Uses, and Dormitory/Fraternity Uses. In MFR and MFR/LS Subdistricts, all or part of the usable open space requirement may be met by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings.
- See Section 54-19.1 (Street Wall Continuity). A bay window may protrude into a front yard.
- Semi-attached dwellings, Town House Buildings, and Row House Buildings are required to have side yards only on sides that are not attached to another Dwelling.

TABLE D

**North End Neighborhood District
Dimensional Regulations
Neighborhood Business Subdistricts**

| | <u>Neighborhood Shopping Subdistricts</u> | <u>Community Commercial Subdistricts</u> |
|---|---|--|
| Maximum Floor Area Ratio | 3.0 | 3.0 |
| Maximum Building Height (1) | 55 | 55 |
| Minimum Lot Size | none | none |
| Minimum Lot Area Per Dwelling Unit | none | none |
| Minimum Usable Open Space (Square Feet per Dwelling Unit) (2) | 50 | 50 |
| Minimum Lot Width | none | none |
| Minimum Lot Frontage | none | none |
| Minimum Front Yard (3) | none (4) | none (4) |
| Minimum Side Yard (5) | none | none |
| Minimum Rear Yard (6) | 20 | 12 |

TABLE D

Footnotes:

1. See Section 54-18 for additional Building Height and Roof Structure restrictions.
2. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
3. In a required front yard in a Neighborhood Business Subdistrict, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

In a Neighborhood Business Subdistrict, every front yard required by this Article and Code shall be at grade level along every lot line on which such yard abuts.
4. See Section 54-19.1 (Street Wall Continuity).
5. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting subdistrict. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
6. In a Neighborhood Business Subdistrict, every rear yard required by this Article and Code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE E

North End Neighborhood District
Off-Street Parking Requirements

Residential and Related Uses

Proposed Projects Under 50,000 Square Feet of
Gross Floor Area(1),(2)

| | Off Street Parking Requirement (space <u>per dwelling unit</u>)(2) |
|--|---|
| <u>Dormitory/Fraternity Uses</u> | 0.5 |
| <u>Hotel and Conference Center Uses</u> | 0.7 |
| <u>Residential Uses</u> | |
| Elderly Housing | 0.5 |
| Group Residence, Limited | 0.5 |
| Lodging House | 0.5 |
| Transitional Housing or Homeless Shelter | 0.25 |
| Other Residential Uses (3) | 1.0 |

1. For Proposed Projects of 50,000 or more square feet of gross floor area, see Section 54-16.
2. Where a use is not divided into Dwelling Units:
 - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two (2) persons, each group of four (4) beds shall constitute a Dwelling Unit.
3. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement for Proposed Projects under 50,000 square feet of gross floor area shall be 0.7 parking spaces per Dwelling Unit.

TABLE F

**North End Neighborhood District
Off-Street Loading Requirements**

**Proposed Project Under 50,000 Square Feet of
Gross Floor Area(1)**

| <u>Gross Floor Area</u> | <u>Required Off Street Loading Bays</u> |
|---------------------------|---|
| 0-15,000 square feet | 0 |
| 15,001-24,999 square feet | 1.0 |

1. For Proposed Projects of 50,000 or more square feet, see Section 54-16.

Richard B. Fowler

Chairman

Robert H. Mann

Vice Chairman

Brent E. Long

Robert London

Edward J. D'Agostino

John Bean

Sam M. McGrath

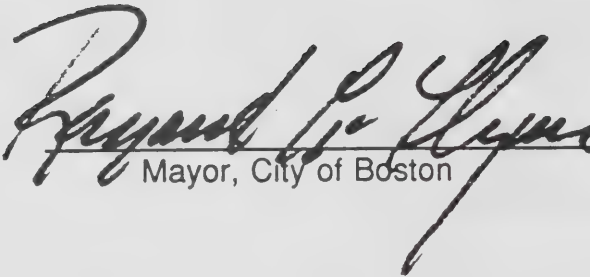
In Zoning Commission

Adopted April 27, 1993

Attest:

Sheila Keogh

Assistant Secretary

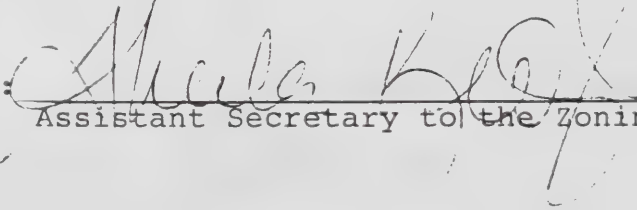


Mayor, City of Boston

Date: May 17, 1993

The foregoing amendment was presented to the Mayor on April 30, 1993 and was signed by him on May 17, 1993, whereupon it became effective on May 17, 1993, in accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest:



Assistant Secretary to the Zoning Commission

Text Amendment Application No. 228
Boston Redevelopment Authority
Massachusetts College of Pharmacy
Institutional District

TEXT AMENDMENT NO. 196

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning Code as follows:

By inserting, after Article 70, the following article:

ARTICLE 71

MASSACHUSETTS COLLEGE OF PHARMACY
INSTITUTIONAL DISTRICT

TABLE OF CONTENTS

| | |
|--------------|--|
| Section 71-1 | Statement of Purpose |
| 71-2 | Physical Boundaries |
| 71-3 | Applicability |
| 71-4 | Prohibition of Planned Development Areas |

USE AND DIMENSIONAL REGULATIONS

| | |
|--------------|-------------------------|
| Section 71-5 | Use Regulations |
| 71-6 | Dimensional Regulations |

* Date of public notice: June 30, 1993 (see St. 1956, c. 665, s. 5).

REGULATIONS APPLICABLE TO INSTITUTIONAL USES

| | | |
|---------|-------|---|
| Section | 71-7 | Institutional Master Plan Requirement |
| | 71-8 | Content of Institutional Master Plans |
| | 71-9 | Approval of Institutional Master Plans by the Boston Redevelopment Authority |
| | 71-10 | Zoning Commission Approval of Institutional Master Plans |
| | 71-11 | Consistency with an Institutional Master Plan |
| | 71-12 | Renewal and Amendment of Institutional Master Plans |

REGULATIONS GOVERNING DEVELOPMENT REVIEW AND DESIGN REVIEW

| | | |
|---------|-------|--|
| Section | 71-13 | Applicability of Article 31 Development Review |
| | 71-14 | Design Review |

MISCELLANEOUS PROVISIONS

| | | |
|---------|-------|--|
| Section | 71-15 | Off-Street Parking and Loading |
| | 71-16 | Nonconformity as to Dimensional Requirements |
| | 71-17 | Regulations |
| | 71-18 | Severability |
| | 71-19 | Definitions |
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SECTION 71-1. Statement of Purpose. The purpose of this Article is to establish zoning regulations for the review and approval of projects for major institutional uses in the context of long-term institutional development plans within the area governed by this Article. The goal of these regulations is to provide for the well-planned development of institutions and to enhance their public service and economic development role in the surrounding neighborhoods; to encourage economic growth and the diversification of Boston's economy, with special emphasis on creating and retaining job opportunities; to preserve, enhance and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 71-2. Physical Boundaries. The provisions of this Article apply to: (1) land and structures located within the Massachusetts College of Pharmacy Institutional District, and (2) land and structures located outside such Institutional District but described in an Institutional Master Plan approved from time to time in accordance with the provisions of this Article. The land referred to in (1) and (2) above is collectively referred to as the Massachusetts College of Pharmacy Institutional Master Plan Area. The Institutional Master Plan Area is applicable on an overlay basis and may include non-contiguous elements within or outside the

Massachusetts College of Pharmacy Institutional District. The boundaries of the Massachusetts College of Pharmacy Institutional District are as shown on the map entitled "Map 1 Boston Proper" of the series of maps entitled "Zoning Districts City of Boston," as amended from time to time.

SECTION 71-3. Applicability. This Article, together with the rest of this Code, constitutes the zoning regulation for the Massachusetts College of Pharmacy Institutional District, and together with the provisions of an applicable Institutional Master Plan, constitute the zoning regulation for the Massachusetts College of Pharmacy Institutional Master Plan Area. The zoning regulations for such Institutional District and Institutional Master Plan Area apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated to the contrary in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the Massachusetts College of Pharmacy Institutional District. Any Proposed Institutional Project that is required to be consistent with an applicable Institutional Master Plan shall be deemed to be a project for which zoning relief is required for the purposes of Articles 26, 26A, and 26B.

Proposed Projects are exempt from the provisions of this Article, and are governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

Notwithstanding any contrary provision of this Code, any Institutional Use existing within the Massachusetts College of Pharmacy Institutional District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article shall be deemed allowed for all purposes under this Code, whether or not described in an Institutional Master Plan and without need for a determination of consistency with such an Institutional Master Plan pursuant to Section 71-11.

Any building or structure existing within the Massachusetts College of Pharmacy Institutional District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article and:

- (i) used for an Institutional Use as of such date, or

- (ii) adequately described in an applicable Institutional Master Plan in accordance with Section 71-8(b)

shall be deemed to be in compliance, as so existing, with the dimensional, parking, and loading requirements of this Article and shall not be considered dimensionally nonconforming for the purposes of Article 9.

SECTION 71-4. Prohibition of Planned Development Areas. No Planned Development Area shall be permitted for any Proposed Project to which the Institutional Master Plan requirement of Section 71-7 applies.

USE AND DIMENSIONAL REGULATIONS

SECTION 71-5. Use Regulations. Except as otherwise specifically provided in this Article, no land or structure within the Massachusetts College of Pharmacy Institutional District shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Massachusetts College of Pharmacy Institutional District.

SECTION 71-6. Dimensional Regulations. Except as otherwise specifically provided in this Article, the dimensional requirements governing land and structures in the Massachusetts College of Pharmacy Institutional District are as set forth in Table B of this Article.

REGULATIONS APPLICABLE TO INSTITUTIONAL USES

SECTION 71-7. Institutional Master Plan Requirement.

1. Applicability of Requirement. The Inspectional Services Department shall not issue a building, use, or occupancy permit for any Proposed Institutional Project governed by the provisions of this Article for the erection, extension, or alteration of any structure or part thereof, or the change of use of any structure or land, that is (or immediately after completion will be) used or occupied for an Institutional Use, unless such Proposed Institutional Project is:
 - (a) consistent with an Institutional Master Plan, pursuant to Section 71-11; or
 - (b) exempt from such Institutional Master Plan requirement, pursuant to Subsection 71-7.2.
2. Exempt Projects. Within the Massachusetts College of Pharmacy Institutional District, a Proposed Institutional Project is exempt from the Institutional Master Plan requirement of this Article if it is:
 - (i) for interior alterations to an existing building, provided that such Proposed Institutional Project does not involve the establishment or expansion of a High Impact Subuse or ambulatory clinical care facility that will affect, after such establishment or expansion, an aggregate gross floor area of more than fifty thousand (50,000) square feet (which area is not a phase of another Proposed Institutional Project); or
 - (ii) for the erection or extension of an Institutional Use, provided that such Proposed Institutional Project does not affect an aggregate gross floor area of more than twenty thousand (20,000) square feet (which area is not a phase of another Proposed Institutional Project).
- (a) Applicable Regulations. A Proposed Institutional Project that is exempt from the Institutional Master Plan requirement of this Article, pursuant to this Section 71-7, and not electively described in an Institutional Master Plan, pursuant to paragraph (c) of this Subsection 71-7.2, shall be governed by the use, dimensional, and other regulations of this Code applicable to the use category, other than an Institutional Use, that most closely describes such project.

- (b) Notice. If the proponent of a Proposed Institutional Project believes that such Proposed Institutional Project is exempt from the Institutional Master Plan requirement of this Article, pursuant to this Section 71-7, the proponent shall file written notice to the Inspectional Services Department and the Boston Redevelopment Authority setting forth the reasons why such project is exempt from such requirement. Such notice shall be filed at the time a building or use permit application for such Proposed Institutional Project is filed with the Inspectional Services Department.
 - (c) Election to Include Exempt Project in Institutional Master Plan. An applicant for an Institutional Master Plan approval, renewal, or amendment may elect, in its submission materials, to make any exempt project subject to the provisions of its Institutional Master Plan, in which event such Proposed Institutional Project shall be governed by the provisions of this Article, notwithstanding any contrary provision of this Section 71-7.
- 3. Exemption for Smaller Institutions. Notwithstanding any contrary provision of this Section 71-7, the provisions of this Article shall not apply to a Proposed Institutional Project if the combined gross floor area of the Proposed Institutional Project and all of the other Institutional Uses of the same Institution is less than one hundred fifty thousand (150,000) square feet; provided, however, that the Institution may elect to seek approval of an Institutional Master Plan, and as of the date of such approval, the Institutional Uses of the Institution shall be subject to the provisions of this Article.
 - 4. Special Provisions Applicable to High Impact Subuses and Ambulatory Care Facilities. Notwithstanding any contrary provision of Article 2A, the location of any Proposed Institutional Project for: (i) a High Impact Subuse; or (ii) ambulatory clinical care facilities must be consistent with that specified in an applicable Institutional Master Plan. A "High Impact Subuse" means a subuse of an Institutional Use that is identified as a High Impact Subuse in the definition of such Institutional Use set forth in Article 2A.
 - 5. Appeals. Any applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 71-7 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

SECTION 71-8. Content of Institutional Master Plans. An Institutional Master Plan shall include the elements described in this Section 71-8 to provide a basis for evaluating, for city planning purposes, the impact on the surrounding neighborhoods of

the Institution's current and future projects. The Institutional Master Plan shall project its proposed development plan at least eight (8) years into the future, commencing from the date of submission of the Institutional Master Plan, and shall include within the Plan all currently planned Proposed Institutional Projects that are not exempt under Section 71-7 and any projects that are electively included in the Institutional Master Plan. In addition, the Plan shall set out and define the longer term goals of the Institution, a minimum of ten (10) years into the future. These goals should address the broad direction to be taken by the Institution with regard to its growth and services. An Institutional Master Plan prepared pursuant to this Article shall cover the current and proposed properties, uses, and activities of the Institution within the areas of the City where preparation of an Institutional Master Plan is required. Each Institutional Master Plan shall include each of the following elements, except to the extent waived by the Boston Redevelopment Authority, as determined in the Scoping Determination described in Section 71-9.2:

(a) Mission and Objectives

A statement which defines the organizational mission and objectives of the Institution, and a description of how all development contemplated or defined by the Institutional Master Plan advances the goals and objectives of the Institution. The statement should describe the population to be served by the Institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to Boston residents in adjacent neighborhoods and in other areas of the City.

(b) Existing Property and Uses

A description of land, buildings, and other structures occupied by Institutional Uses of the Institution as of the date of submission of the Institutional Master Plan, with such information including, for each property, the following: (i) illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, and other significant improvements; (ii) land and building uses; (iii) building gross square footage; (iv) building height in stories and, approximately, in feet; (v) a description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility; and (vi) existing building linkage payments.

(c) Needs of the Institution

A summary and projection of the Institution's current and future needs for the following facilities: (i) academic; (ii) service; (iii) research; (iv) office; (v) housing; (vi) patient care; (vii) public assembly; (viii)

parking; and other facilities related to the Institutional Use. Such needs shall be defined in relationship to the Institution's goals and objectives as previously described.

(d) Proposed Future Projects

A description of any proposed future projects of the Institution within the areas of the City where preparation of an Institutional Master Plan is required (other than projects that are exempt under Section 71-7 and not electively included in the Institutional Master Plan) and their relationship to present and future needs. The required descriptions may include:

- (i) site locations and approximate building footprints;
- (ii) uses (specifying the principal subuses of each land area, building, or structure, such as classroom, laboratory, parking facility);
- (iii) square feet of gross floor area;
- (iv) square feet of gross floor area eliminated from existing buildings through demolition of existing facilities;
- (v) floor area ratios;
- (vi) building heights;
- (vii) parking areas or facilities to be provided in connection with proposed projects;
- (viii) any applicable urban renewal plans, land disposition agreements, or the like;
- (ix) current zoning of sites;
- (x) total project cost estimates;
- (xi) estimated development impact payments;
- (xii) approximate timetable for development of Proposed Institutional Projects, with the estimated month and year of construction start and construction completion for each.

(e) Institutional Transportation and Parking Management and Mitigation Plan

A description of the Institution's existing transportation and parking characteristics, a description of parking to be provided over the term of the Institutional Master Plan, a projection of impacts associated with the projects proposed in the Institutional Master Plan, and a set of transportation goals and mitigation measures to address these impacts.

(f) Pedestrian Circulation Guidelines and Objectives

A statement of guidelines and objectives for pedestrian circulation system to be provided through the campus of the Institution, including guidelines and objectives regarding the accessibility to the general public of any pedestrian areas and open spaces.

(g) Urban Design Guidelines and Objectives

A statement of urban design guidelines and objectives for new and renovated buildings to assure their compatibility with supporting neighborhoods and districts and to minimize potential adverse impacts on historic structures.

(h) Job Training Analysis

A description of the Institution's current workforce and projected future employment needs in connection with future projects and a description of current and/or proposed programs with Boston schools and other programs to train and employ students from Boston, and particularly from neighborhoods in the vicinity of the Institution, at the requisite skill levels.

(i) Community Benefits Plan

An identification of community benefits that mitigate impacts of proposed future projects or otherwise are appropriate to and enhance the surrounding communities.

(j) Additional Elements

Such additional elements as the Boston Redevelopment Authority shall determine are necessary adequately to describe and to evaluate the Institution's proposed development program.

SECTION 71-9. Approval of Institutional Master Plans by the Boston Redevelopment Authority. No Institutional Master Plan shall be approved by the Boston Redevelopment Authority, except in conformity with the provisions of this Section 71-9.

1. Institutional Master Plan Notification Form. The Institution seeking an Institutional Master Plan approval shall commence the process by filing an Institutional Master Plan Notification Form (IMPNF) in writing with the Boston Redevelopment Authority. An IMPNF shall consist of those elements of an Institutional Master Plan identified in paragraphs (a) and (d) of Section 71-8, and, if the Institution is planning one or more Proposed Institutional Projects, the IMPNF also shall include summary statements of anticipated impacts of such projects in the impact areas identified in Sections 31-6 through 31-10. Within five (5) days after submission of an IMPNF to the Boston Redevelopment Authority, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the city, such notice to state the name of the Institution and to identify the area to which the Institutional Master Plan will apply, and shall make copies of the IMPNF available to the public. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within twenty (20) days of such notice.
2. Scoping Determination. Based on the Boston Redevelopment Authority's review of public comments and the IMPNF, the Boston Redevelopment Authority shall issue a written Scoping Determination setting forth in sufficient detail those elements set forth in Section 71-8 that are to be included in the Institutional Master Plan. Such Scoping Determination shall be issued no later than thirty (30) days after the Institution files an IMPNF.
3. Institutional Master Plan. The Institution shall satisfy the requirements of the Scoping Determination in the preparation of an Institutional Master Plan. Within five (5) days after submission of the Institution's Institutional Master Plan to the Boston Redevelopment Authority, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the city, such notice to state the name of the Institution and to identify the area to which the Institutional Master Plan will apply and shall make copies of the Institutional Master Plan available to the public. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within sixty (60) days of such notice.
4. Adequacy Determination. After the public hearing required by Section 71-9.7, and based on the Boston Redevelopment Authority's review of public comments and the Institutional Master Plan, the Boston

Redevelopment Authority shall issue a written Adequacy Determination within ninety (90) days after the submission of said Institutional Master Plan to the Boston Redevelopment Authority. In issuing an Adequacy Determination, the Boston Redevelopment Authority shall approve the Institutional Master Plan, conditionally approve the Institutional Master Plan, or disapprove it in whole or in part. If all or any part of the Institutional Master Plan is disapproved, specific reasons setting forth the areas in which the Institutional Master Plan is at variance with the requirements of the Scoping Determination or this Article shall be provided in the Adequacy Determination. An Adequacy Determination which, in whole or in part, conditionally approves or disapproves the Institutional Master Plan may require additional elements, information, studies, and mitigation measures, provided that such requirements are within the breadth of the Scoping Determination and the provisions of this Article.

5. Revised Institutional Master Plan. If the Boston Redevelopment Authority's Adequacy Determination disapproves the Institution's Institutional Master Plan, the Institution shall revise the Institutional Master Plan prior to resubmission. The revised and resubmitted Institutional Master Plan shall be reviewed in the manner provided in, and subject to the requirements of, subsections 3 and 4 of this Section 71-9.
6. Time Extensions for Determinations. The Boston Redevelopment Authority may, by notifying the Institution in writing, extend the time periods set out in this Section 71-9.6 for issuing a Scoping Determination and an Adequacy Determination if it finds that: (a) additional time is necessary to render a determination because of the complexity of the IMPNF or of the Institutional Master Plan; or (b) additional time is necessary for the public, including public agencies, to review and comment on the IMPNF or the Institutional Master Plan. No more than one extension of time may be exercised in connection with the issuance of a Scoping Determination or an Adequacy Determination, and no extension of time for the issuance of a Scoping Determination or an Adequacy Determination shall exceed thirty (30) days.
7. Community Participation. The Institution shall provide the Boston Redevelopment Authority with a sufficient number of copies (up to fifty (50)), as requested by the Boston Redevelopment Authority, of the IMPNF, the Institutional Master Plan, and any revised Institutional Master Plan to allow for distribution to interested parties. The Boston Redevelopment Authority shall make copies of the IMPNF, the Institutional Master Plan, and any revised Institutional Master Plan available generally to the public within five (5) days after such materials have been submitted to the Boston Redevelopment Authority. Prior to issuing its Scoping Determination for the review of an Institutional Master Plan or an amendment or renewal thereof, the Boston Redevelopment Authority may schedule a public

consultation session to review the proposal and discuss potential impacts. The Boston Redevelopment Authority shall hold a public hearing prior to approving an Institutional Master Plan, or an amendment or renewal thereof, except that no public hearing shall be required for a renewal or amendment that satisfies the requirements of Section 71-12.3(a) (Review of Unchanged Plans), and the Boston Redevelopment Authority may at its discretion require a public hearing for an amendment or renewal that satisfies the requirements of Section 71-12.3(b).

8. Standards for Institutional Master Plan Approval. An Institutional Master Plan shall be approved by the Boston Redevelopment Authority only if the Boston Redevelopment Authority finds that: (i) the Institutional Master Plan conforms to the provisions of this Article; (ii) the Institutional Master Plan conforms to the general plan for the city as a whole; (iii) on balance, nothing in the Institutional Master Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.
9. Coordination with Other Development Review.
 - (a) Article 31 Development Review. In reviewing, pursuant to Article 31, a Proposed Institutional Project that is subject to the provisions of Section 71-7 the Boston Redevelopment Authority shall:
 - (i) require in its Scoping Determination under Article 31 that the Project Impact Report address the cumulative impacts associated with the Proposed Institutional Project when added to the Institution's existing Institutional Uses and the other Proposed Institutional Projects identified in the Institution's Master Plan; and
 - (ii) limit its Scoping Determination under Article 31 to those issues not already satisfactorily examined in the context of the Institutional Master Plan; and
 - (iii) include in its Scoping Determination and review under Article 31, at the request of the Applicant, the Development Impact Project Plan required by the applicable provisions of Article 26, Article 26A, and Article 26B, and the issues raised thereby, if the Applicant has submitted such Development Impact Project Plan to the Boston Redevelopment Authority together with the Project Impact Report required by Article 31; and

- (iv) limit any mitigation measures or project modifications required as a result of development review under Article 31 to those necessary to mitigate or address adverse impacts of the Proposed Project identified in the Article 31 development review process.
- (b) Development Impact Projects: Articles 26, 26A, and 26B. The Boston Redevelopment Authority shall review any Development Impact Project Plan required by the applicable provisions of Articles 26, 26A, and 26B for a Proposed Institutional Project (i) as part of the approval, amendment, or renewal of an applicable Institutional Master Plan pursuant to Section 71-9 or (ii) as part of the development review of such Proposed Institutional Project pursuant to Article 31, if the Applicant has submitted such Development Impact Project Plan to the Boston Redevelopment Authority together with such Institutional Master Plan or Article 31 Project Impact Report, as the case may be. Such procedure shall not limit or modify any of the substantive or procedural requirements of Articles 26, 26A, or 26B.

A Development Impact Project Plan prepared pursuant to Article 26, Article 26A, or Article 26B for a Proposed Institutional Project may incorporate by reference those portions of an applicable Institutional Master Plan that are pertinent to the requirements of Section 26-2.2, 26A-2.2, or 26B-2.2, as the case may be.

- (c) Joint Institutional Projects. A Proposed Institutional Project involving the participation of more than one Institution shall be included in its entirety in the Institutional Master Plan for one of such Institutions (provided that such Institutional Master Plan discloses the identity and extent of participation of each Institution participating in such Proposed Institutional Project), or the relevant part of a Proposed Institutional Project shall be included in the Institutional Master Plan for each such Institution pursuant to this Section 71-9 (Approval of Institutional Master Plans) except to the extent otherwise exempt from such requirements pursuant to Section 71-7 (Institutional Master Plan Requirement). With respect to a Proposed Institutional Project that is included in the Institutional Master Plan for two or more Institutions, the Boston Redevelopment Authority, at the request of such Institutions, shall: (i) allow the submission of a combined IMPNF for such project incorporating all the information required from all such Institutions; (ii) provide for the required Institutional Master Plan amendments to be reviewed together, to the extent feasible, at any public meetings and public hearings required pursuant to this Section 71-9; and (iii) limit the scope of review of such Proposed Institutional Project in each Institution's Institutional Master Plan to

those portions of such project that involve the participation of that Institution.

10. Appeals. An applicant aggrieved by the issuance of an Adequacy Determination by the Boston Redevelopment Authority disapproving or conditionally approving an Institutional Master Plan pursuant to this Section 71-9 or an amendment or renewal thereof pursuant to Section 71-12 may appeal to the Board of Appeal within forty-five (45) days after the issuance of such Adequacy Determination, in accordance with the provisions of Article 6.

SECTION 71-10. Zoning Commission Approval. Upon approval of the Institutional Master Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Institutional Master Plan to the Zoning Commission for its consideration.

The Institutional Master Plan entitled "Massachusetts College of Pharmacy Master Plan," dated May 1993 and approved by the Boston Redevelopment Authority on May 27, 1993, shall be deemed approved hereunder as though such Institutional Master Plan had been approved pursuant to the provisions of this Article and Code.

SECTION 71-11. Consistency with an Institutional Master Plan. The Department of Inspectional Services shall not issue a building, use or occupancy permit for any Proposed Project that is subject to the provisions of Section 71-7 (and that is not exempt from such provisions by the terms thereof) for the erection, extension, or alteration of any structure or part thereof, or the change of use of any structure or land, unless the Director of the Boston Redevelopment Authority certifies that the Proposed Project is adequately described in an applicable Institutional Master Plan and is consistent with such applicable Institutional Master Plan. Such certification of consistency, or a finding of inconsistency, or a finding of consistency subject to a condition or conditions, shall be issued within sixty (60) days after the Boston Redevelopment Authority has received from the Inspectional Services Department a copy of an application for a building, use, or occupancy permit for the Proposed Project.

Prior to making a certification of consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit information and materials as necessary to evaluate whether the Proposed Institutional Project is consistent with the Institutional Master Plan. Provided that such updated materials and information do not alter or require alteration of the development program proposed in the Institutional Master Plan or of proposed mitigation measures, such updated materials and information shall not be deemed to be an amendment to the Institutional Master Plan.

An Institution aggrieved by the denial of any permit by the Department of Inspectional Services pursuant to this Section 71-11 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

Any use or structure that is adequately described in an Institutional Master Plan and is consistent with such Institutional Master Plan, as certified in accordance with this Section 71-11, and that has satisfied any applicable requirements of Article 31, shall be deemed to be in compliance with the use, dimensional, parking and loading requirements of this Article, notwithstanding any provision of the underlying zoning to the contrary and without the requirement of further zoning relief.

SECTION 71-12. Update, Renewal, and Amendment of Institutional Master Plans.

1. Annual Update. An approved Institutional Master Plan shall be updated annually, on or before the anniversary of the approval date of the Institutional Master Plan.

To update its Institutional Master Plan, an Institution shall file with the Boston Redevelopment Authority a description of all projects that: (a) have been completed since the most recent annual update or Institutional Master Plan approval or renewal date, (b) are ongoing, including a description of the status and estimated timetables for completion of such projects, or (c) are scheduled to begin in the upcoming twelve (12) months, including estimated timetables for the commencement, progress, and completion of such projects. Such descriptions shall include any other information necessary to clarify the information required by items (a), (b), or (c) of this Section 71-12.1.

The annual update of an Institutional Master Plan shall not constitute an amendment or renewal of such Institutional Master Plan, and the description of a project in such annual update shall not serve to add any such project to any applicable Institutional Master Plan without an amendment of such Institutional Master Plan pursuant to Section 71-12.3.

Failure to update an Institutional Master Plan shall not affect the status under the Institutional Master Plan of then existing uses or structures, or of building, use, or occupancy permits already issued.

2. Time for Renewal or Amendment. An approved Institutional Master Plan may be renewed or amended at any time.

If an Institution fails to file an IMPNF seeking renewal of an Institutional Master Plan on or before the eighth (8th) anniversary of the

date of the later of (a) the Zoning Commission's approval of the original Institutional Master Plan, or (b) the most recent renewal thereof by the Zoning Commission (or by the Boston Redevelopment Authority, if no Zoning Commission review was required), or if, having made such filing, the Institution thereafter fails diligently to make the necessary filings and otherwise fulfill the requirements for renewal set forth in this Section 71-12, as determined by the Director of the Boston Redevelopment Authority, then the Director shall not issue any certificate of consistency, as described in Section 71-11, with respect to a Proposed Institutional Project of such Institution until such failure is remedied. Failure to file an IMPNF seeking renewal of an Institutional Master Plan prior to the expiration of such eight (8)- year period shall not affect the status under the Institutional Master Plan of then existing uses or structures or of building, use, or occupancy permits already issued as of such expiration.

Except as otherwise specified in this Section 71-12, the new approval date for the Institutional Master Plan shall be the date of the Zoning Commission's approval of such renewal or amendment.

3. Procedure for Renewal or Amendment. The procedure for renewing or amending an Institutional Master Plan shall be identical to that for the initial approval of an Institutional Master Plan, except as set forth in subsections (a) through (c) of this Section 71-12.3.

An Institution may make a combined renewal and amendment submission to the Boston Redevelopment Authority, in which event the scope of such submission shall include the entire area described in the Institutional Master Plan Area, and the provisions of subsection (c) of Section 71-12.3 shall not apply.

- (a) Review of Unchanged Plans. If, upon review of the IMPNF submitted in connection with the renewal or amendment of an Institutional Master Plan, the Boston Redevelopment Authority determines that no new Proposed Institutional Projects are planned, that no changes in the Institutional Master Plan are proposed that would constitute a change in the use, dimensional, parking, or loading elements of the Institutional Master Plan (other than de minimus dimensional changes), and that no significantly greater impacts would result from continued implementation of the Institutional Master Plan than were originally projected, then the Boston Redevelopment Authority shall waive further review of the renewal or amendment application and approve the IMPNF and original Institutional Master Plan together as the renewed or amended Institutional Master Plan.

A renewal or amendment pursuant to this subsection (a) that does not add additional land to the Institutional Master Plan shall not require further approval by the Zoning Commission, and the date of the Boston Redevelopment Authority's approval of such renewal or amendment shall constitute the new approval date for such Institutional Master Plan.

(b) Expedited Review of Amendment Adding Certain Small Projects. The Boston Redevelopment Authority, at the request of the Institution, shall waive the requirements of an IMPNF and Scoping Determination for approval of an amendment to an Institutional Master Plan, where the only change in the Institutional Master Plan provided for in the proposed amendment is the inclusion of one or more additional Proposed Projects that are not subject to the Development Review requirements of Article 31, pursuant to Section 71-13, and that satisfy all the requirements of subsection (1) or (2) below, as applicable:

- (1) the Proposed Project is exempt from the Institutional Master Plan requirements of Section 71-7, and the Institution elects to make such Proposed Project subject to the provisions of its Institutional Master Plan pursuant to Section 71-7; or
- (2) the Proposed Project is not exempt from the Institutional Master Plan requirements of Section 71-7, and the Proposed Project meets all of the following requirements:
 - (i) the Proposed Project is located within an Institutional District or Subdistrict or, if the Proposed Project is for an Institutional Use (a "Proposed Institutional Project") and is located outside an Institutional District or Subdistrict, the use category, other than an Institutional Use, that most closely describes such Proposed Institutional Project is identified on the table of uses for that Institutional District or Subdistrict as an allowed use; and
 - (ii) if the Proposed Project is a Proposed Institutional Project and is located outside an Institutional District or Subdistrict, its dimensions and parking and loading spaces meet all the requirements applicable to the use category, other than Institutional Use, that most clearly describes the Proposed Institutional Project; and
 - (iii) for an Institutional Use, such Proposed Institutional Project is not for one or more of the High Impact Subuses

identified in the definition of such use in Article 2A or for ambulatory clinical care facilities.

Notwithstanding any provisions to the contrary in Section 71-9.4, the Boston Redevelopment Authority shall issue its written Adequacy Determination under Section 71-9.4 concerning a proposed amendment to an Institutional Master Plan under this Section 71-12.3(b) within sixty (60) days after the submission of the proposed amendment to the Boston Redevelopment Authority, and public comments concerning such proposed amendment, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days after the Boston Redevelopment Authority has published notice of such submission as required by Section 71-9.3.

Nothing in this subsection (b) shall affect the requirements set forth in Section 71-9.7 for full community participation in the Boston Redevelopment Authority's review of an amendment to an Institutional Master Plan, including the provisions for conducting a public hearing.

An amendment pursuant to this subsection (b) that does not add additional land to the Institutional Master Plan shall not require further approval by the Zoning Commission, and the date of the Boston Redevelopment Authority's approval of such amendment shall constitute the new approval date for such Institutional Master Plan.

- (c) Limited Scope of Review for Certain Master Plan Amendments. If a proposed amendment is limited to the addition to the Institutional Master Plan of one or more Proposed Institutional Projects and does not involve renewal of the Institutional Master Plan, review by the Boston Redevelopment Authority shall be limited to such Proposed Institutional Project(s), taking into consideration the cumulative impacts of such Proposed Institutional Project(s) together with existing uses and other Proposed Projects described in an Institutional Master Plan.

Nothing in this subsection (c) shall affect the requirements set forth in Section 71-9.7 for full community participation in the Boston Redevelopment Authority's review of an amendment to an Institutional Master Plan, including the provisions for conducting a public hearing.

REGULATIONS GOVERNING DEVELOPMENT REVIEW AND DESIGN REVIEW

SECTION 71-13. **Applicability of Article 31 Development Review.**

1. Large Projects. Notwithstanding any provision of Section 31-4 to the contrary, the provisions of Article 31 (Development Review Requirements), other than Section 31-3, shall be applicable, except where otherwise specified in this Article, to any Proposed Project to: (a) erect a Building or Structure having a gross floor area of fifty thousand (50,000) or more square feet; or (b) enlarge a Building or Structure so as to increase its gross floor area by fifty thousand (50,000) or more square feet; or (c) establish or change the uses of a gross floor area of one hundred thousand (100,000) or more square feet; or (d) establish or change to conditional or forbidden uses the uses of a gross floor area of fifty thousand (50,000) or more square feet, or, in the case of a Proposed Institutional Project, to establish or change to a High Impact Subuse or ambulatory clinical care facility the subuses of a gross floor area of fifty thousand (50,000) or more square feet.
2. Certain Institutional Projects for New Construction. If a Proposed Institutional Project not otherwise subject to the provisions of Article 31, pursuant to Section 71-13.1: involves the erection or extension of a Building or Structure that results in the addition of a gross floor area of twenty thousand (20,000) or more square feet devoted to out-patient or in-patient care, such Proposed Institutional Project shall comply with the Transportation Access Plan requirements of Section 31-6.

The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project subject to the provisions of this Section 71-13 unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with the applicable provisions of Article 31. Proposed Projects may proceed through the provisions of Article 31 separately or in joint filings, provided the Boston Redevelopment Authority has received adequate information on all such Proposed Projects.

SECTION 71-14. **Design Review.**

1. Applicability of Design Review. The provisions of this Section 71-14 shall apply only to those Proposed Projects specified in this Section 71-14 that are not subject to Article 31 development review pursuant to Section 71-13.1 or by election.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority:

- (a) Projects Visible from a Public Street or Public Park. Any Proposed Project for the erection or extension of one or more Buildings or Structures, if such Proposed Project is visible from a public street or public park; and
- (b) Projects Adding 20,000 Square Feet of Floor Area. Any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate gross floor area of twenty thousand (20,000) or more square feet.

The provisions of this Section 71-14 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project that is subject to the provisions of this Section 71-14 unless the Director of the Boston Redevelopment Authority certifies that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

- 2. Procedure for Design Approval. Each application for a permit for a Proposed Project that is subject to design review by the Boston Redevelopment Authority pursuant to this Section 71-14 shall include a Design Review Application, containing the information required by Section 71-14.3, and shall be filed in duplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copy to the Boston Redevelopment Authority. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the applicable design guidelines, as specified in Section 71-14.4, or is not consistent with those guidelines; provided that if no such findings are transmitted to the Inspectional Services Department within thirty (30) days of the receipt by the Boston Redevelopment Authority of the completed Design Review Application for the Proposed Project, the Proposed Project shall be deemed to be consistent with the applicable design guidelines without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 71-14 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.
- 3. Content of Design Review Application. A Design Review Application shall consist of such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project is consistent with the applicable design guidelines. Such materials shall set

forth, for the existing conditions and for the Proposed Project: vehicular access and egress to and from the site; location and dimensions of all buildings, structures, and parking and loading areas; relationships of primary buildings to secondary buildings; landscaping and screening; roof shapes, cornice lines, and roof structures; facade articulation, fenestration, and other architectural features; and proposed sign locations.

4. Design Guidelines. The Boston Redevelopment Authority shall review each Proposed Project that is subject to design review under this Section 71-14 for consistency with any design guidelines adopted by the Zoning Commission or the Boston Redevelopment Authority for the area in which the Proposed Project is located.

MISCELLANEOUS PROVISIONS

SECTION 71-15. Off-Street Parking and Loading. Within the Massachusetts College of Pharmacy Institutional District, no off-street parking or loading facilities are required. For any Proposed Project that is subject to the Institutional Master Plan requirement of Section 71-7, zoning relief for the provision of off-street parking and loading facilities may be granted through the approval of such parking and loading facilities in an applicable Institutional Master Plan, notwithstanding any contrary provision of Section 3-1A.c. For any Proposed Project that also is subject to Article 31 development review, pursuant to Section 71-13 or by election, the approval of parking and loading requirements or specifications in an applicable Institutional Master Plan shall not preclude the establishment of restrictions on the number of parking spaces or the establishment of additional specifications for the design and location of parking and loading facilities through the Article 31 development review process.

All off-street parking or loading facilities provided for any Proposed Project that is not subject to Article 31 development review shall meet the following specifications:

1. Design.
 - (a) Such facilities shall have adequate maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.
 - (b) Such facilities, whether open or enclosed in a Structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any Street or another Lot.
 - (c) Off-street parking facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) Each car space and loading bay shall be located entirely on the Lot.
2. Maintenance. Such facilities shall be maintained exclusively for the parking of motor vehicles, or for loading and unloading purposes, as the case may be, so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 71-16. Nonconformity as to Dimensional Requirements. A Building or Structure existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article

may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 71-17. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 71-18. **Severability.** The provisions and requirements of this Article are severable, and if any such requirements or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this Article.

SECTION 71-19. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 71-20. **Tables.** The following tables are hereby made part of this Article:

Table A - Use Regulations

Table B - Dimensional Regulations

**Massachusetts College of Pharmacy Institutional District
Use Regulations**

Key: A = Allowed, C = Conditional, F = Forbidden
 For definitions of use categories and certain specific uses, see Article 2A.
 For requirements applicable to Institutional Uses, see Note 1.

Banking and Postal Uses

| | |
|--------------------------|---|
| Automatic teller machine | A |
| Bank | F |
| Drive-in bank | F |
| Post office | A |

Community Uses

| | |
|---|---|
| Adult education center | A |
| Community center | A |
| Day care center | A |
| Day care center, elderly | A |
| Library | A |
| Place of worship; monastery; convent; parish house | A |

Cultural Uses

| | |
|-------------|---|
| Art gallery | F |
| Art use | F |
| Auditorium | F |
| Cinema | F |

TABLE A - Continued

| | |
|--|---|
| <u>Cultural Uses (cont'd)</u> | |
| Concert hall | F |
| Museum | F |
| Public art, display space | F |
| Studios, arts | F |
| Studios, production | F |
| Theatre | F |
| Ticket sales | F |
| <u>Dormitory and Fraternity Uses</u> | |
| Dormitory not accessory to a use | C |
| Fraternity | C |
| <u>Educational Uses</u> | |
| College or university ¹ | A |
| Elementary or secondary school ² | A |
| Kindergarten | A |
| Professional school | A |
| Trade school | A |
| <u>Entertainment and Recreational Uses</u> | |
| Adult entertainment | F |
| Amusement game machines in commercial establishment | F |
| Amusement game machines in noncommercial establishment | F |
| Bar ³ | F |
| Bar with live entertainment ³ | F |
| Bowling alley | F |

Entertainment and Recreational Uses (cont'd)

| | |
|--|---|
| Billiard parlor | F |
| Dance hall | F |
| Drive-in theatre | F |
| Fitness center or gymnasium | A |
| Private club not serving alcohol | C |
| Private club serving alcohol | F |
| Restaurant with live entertainment, not operating after 10:30 p.m. ³ | F |
| Restaurant with live entertainment, operating after 10:30 p.m. ³ | F |

Funerary Uses

| | |
|-----------------|---|
| Cemetery | F |
| Columbarium | F |
| Crematory | F |
| Funeral home | F |
| Mortuary chapel | A |

Health Care Uses

| | |
|--|---|
| Clinic | A |
| Clinical laboratory | A |
| Custodial care facility | C |
| Group care residence, general Hospital ¹ | C |
| Nursing or convalescent home ¹ | A |
| | A |

TABLE A - Continued

| | |
|---|---|
| <u>Hotel and Conference Center Uses</u> | |
| Bed and breakfast | C |
| Conference center | C |
| Executive suites | C |
| Hotel | C |
| Motel | C |
| <u>Industrial Uses</u> | |
| Artists' mixed-use | F |
| Cleaning plant | F |
| General manufacturing use | F |
| Light manufacturing use | C |
| Printing plant | F |
| Restricted industrial use | F |
| <u>Office Uses</u> | |
| Agency or professional office | A |
| General office | A |
| Office of wholesale business | C |
| <u>Open Space Uses</u> | |
| Golf driving range | F |
| Grounds for sports, private | A |
| Open space | A |
| Open space recreational building | A |
| Outdoor place of recreation for profit | F |
| Stadium | F |

Public Service Uses

| | |
|--|---|
| Automatic telephone exchange | A |
| Courthouse ² | F |
| Fire station ² | A |
| Penal institution ² | F |
| Police station ² | A |
| Pumping station ² | C |
| Recycling facility (excluding facilities handling toxic waste) | F |
| Solid waste transfer station | F |
| Substation ² | C |
| Telephone exchange | F |

Research and Development Uses⁴

| | |
|--|---|
| Research laboratory | A |
| Product development; prototype manufacturing | A |

Residential Uses

| | |
|-----------------------------------|---|
| Congregate living complex | C |
| Elderly housing | C |
| Group residence, limited | A |
| Lodging house | A |
| Mobile home | F |
| Mobile home park | F |
| Multifamily dwelling | A |
| One family detached dwelling | C |
| One family semi-attached dwelling | C |
| Orphanage | A |

TABLE A - Continued

| | |
|--|---|
| <u>Residential Uses (cont'd)</u> | |
| Rowhouse | A |
| Temporary dwelling structure | C |
| Three-family detached dwelling | C |
| Townhouse | A |
| Transitional housing or homeless shelter | A |
| Two-family detached dwelling | C |
| Two-family semi-attached dwelling | C |
| <u>Restaurant Uses</u> | |
| Drive-in restaurant | F |
| Restaurant | C |
| Take-out restaurant | |
| Small ⁵ | A |
| Large ⁶ | C |
| <u>Retail Uses⁷</u> | |
| Adult bookstore | F |
| Bakery | F |
| General retail business | F |
| Liquor store | F |
| Local retail business | F |
| Outdoor sale of garden supplies | F |
| <u>Service Uses⁷</u> | |
| Animal hospital | C |
| Barber or beauty shop | F |
| Caterer's establishment | F |

Service Uses⁷ (cont'd)

| | |
|----------------------------|---|
| Dry-cleaning shop | F |
| Kennel | F |
| Laundry, retail service | F |
| Laundry, self-service | F |
| Photocopying establishment | F |
| Shoe repair | F |
| Tailor shop | F |

Storage Uses, Major

| | |
|---|---|
| Enclosed storage of solid fuel or minerals | F |
| Outdoor storage of solid fuel or minerals | F |
| Outdoor storage of new materials | F |
| Outdoor storage of damaged or disabled vehicles | F |
| Outdoor storage of junk and scrap | F |
| Storage of flammable liquids and gases | |
| Small ⁸ | A |
| Large ⁸ | C |
| Storage or transfer of toxic waste | C |
| Warehousing | F |
| Wrecking yard | F |

Trade Uses⁷

| | |
|--------------------|---|
| Carpenters shop | F |
| Electrician's shop | F |

TABLE A - Continued

| | |
|---|---|
| <u>Trade Uses⁷ (cont'd)</u> | |
| Machine shop | F |
| Photographer's studio | F |
| Plumber's shop | F |
| Radio/television repair | F |
| Upholsterer's shop | F |
| Welder's shop | F |
| <u>Transportation Uses</u> | |
| Airport | F |
| Bus terminal | F |
| Garage with dispatch | F |
| Helicopter landing facility | F |
| Motor freight terminal | F |
| Rail freight terminal | F |
| Railroad passenger station | F |
| <u>Vehicular Uses</u> | |
| Bus servicing or storage | F |
| Carwash ⁹ | F |
| Gasoline station ⁹ | F |
| Indoor sale and installation of automotive parts | F |
| Indoor sale of automobiles and trucks | F |
| Outdoor sale of new and used vehicles | F |
| Parking garage | F |
| Parking lot | F |

Vehicular Uses (cont'd)

| | |
|----------------------------|---|
| Rental agency for cars | F |
| Rental agency for trucks | F |
| Repair garage | F |
| Truck servicing or storage | F |

Wholesale Uses

| | |
|--------------------|---|
| Wholesale business | F |
|--------------------|---|

Accessory and Ancillary Uses

In the Massachusetts College of Pharmacy Institutional District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

| | |
|---|---|
| Accessory amusement game machines (not more than four) in commercial or noncommercial establishment | F |
| Accessory art use | A |
| Accessory automatic teller machine | A |
| Accessory bus servicing or storage | A |
| Accessory cafeteria | A |
| Accessory cultural uses | A |
| Accessory dormitory | C |
| Accessory drive-through restaurant | F |
| Accessory drive-through retail | F |
| Accessory family day care home | A |
| Accessory home occupation | A |

TABLE A - Continued

| <u>Accessory and Ancillary Uses (cont'd)</u> | |
|--|---|
| Accessory industrial use | C |
| Accessory keeping of laboratory animals ⁴ | A |
| Accessory keeping of animals, other than laboratory animals | F |
| Accessory machine shop | A |
| Accessory manufacture of products | C |
| Accessory offices | A |
| Accessory outdoor cafe | A |
| Accessory parking | A |
| Accessory personnel quarters | A |
| Accessory printing | A |
| Accessory professional office in a dwelling | A |
| Accessory railroad storage yard | F |
| Accessory recycling | A |
| Accessory repair garage | A |
| Accessory retail | A |
| Accessory services for apartment and hotel residents | A |
| Accessory services incidental to educational uses other than college or university use | A |
| Accessory service uses | A |
| Accessory storage of flammable liquids and gases | |
| Small ⁸ | A |
| Large ⁸ | C |
| Accessory storage or transfer of toxic waste | C |
| Accessory swimming pool or tennis court ¹⁰ | A |

Accessory and Ancillary Uses (cont'd)

| | |
|--------------------------------------|---|
| Accessory trade uses | A |
| Accessory truck servicing or storage | A |
| Accessory wholesale business | A |
| Ancillary use ¹¹ | C |

1. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table A. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use and not as an accessory or ancillary use subject to Article 10 or as an independent use.

See Sections 71-3, 71-5, 71-7, and 71-11 concerning the applicability of the use regulations of this Table A to Institutional Uses. All Institutional Uses, as defined in Article 2A, are subject to the Institutional Master Plan requirements of Sections 71-7 through 71-12, unless specifically exempted therefrom under the provisions of Section 71-7.

Except for High Impact Subuses, and except for ambulatory clinical care facilities that are not otherwise exempt from the provisions of this Article 71 pursuant to Section 71-7, or that are exempt from such requirements pursuant to Section 71-7 but are electively described in an Institutional Master Plan, the substitution of one Institutional subuse for another Institutional subuse shall not be treated as a change of use, and no determination of consistency with an Institutional Master Plan pursuant to Section 71-11 shall be required for such substitution. (The "High Impact Subuses" of an Institutional Use are identified in the definition of such Institutional Use set forth in Article 2A.)

2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.

TABLE A - Continued

3. Provided that, where such use exists on the effective date of this Article and is designated "F," any expansion of seating or standing capacity of such use is forbidden, notwithstanding any contrary provision of Article 9.
4. Provided that such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Total gross floor area not more than 1,000 square feet per restaurant.
6. Total gross floor area exceeding 1,000 square feet per restaurant.
7. If a Retail, Service, or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m. and such establishment has direct public access to a public way or sidewalk.
8. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
9. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
10. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
11. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

**Massachusetts College of Pharmacy Institutional District
Dimensional Regulations(1)**

| | |
|--------------------------|----------|
| Maximum Floor Area Ratio | 3.0 |
| Maximum Building Height | 155 feet |
| Other Use | |
| Minimum Lot Size | none |
| Minimum Lot Width | none |
| Minimum Lot Frontage | none |
| Minimum Front Yard | none |
| Minimum Side Yard | none |
| Minimum Rear Yard | none |

1. See Sections 71-3, 71-6, 71-7, and 71-11 concerning the applicability of the dimensional regulations of this Table B to Institutional Uses. No building, use, or occupancy permit may be issued for an Institutional Use except in accordance with the provisions of Sections 71-7 through 71-12, regarding Institutional Master Plans, unless such Institutional Use is specifically exempted from the provisions of Sections 71-7 through 71-12 pursuant to Section 71-7.

Text Amendment Application No. 228

Text Amendment No. 196

William J. Sullivan
Chairman

R. A. Kane
Vice Chairman

John M. McGeath
John J. McGeath

Officer Ryan

Thomas J. McGeath Jr.

Robert E. Haeg

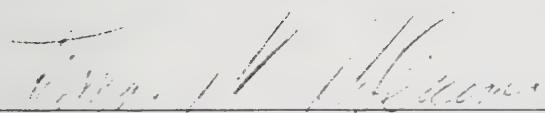
In Zoning Commission

Adopted July 22, 1993

Attest: Julia K. O'Brien
Secretary

Text Amendment Application No. 228

Text Amendment No. 196

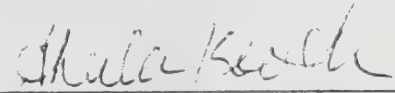


Mayor, City of Boston

Date: _____

The foregoing amendment was presented to the Mayor on July 23, 1993, and was signed by him on July 27, 1993, whereupon it became effective on July 27, 1993, in accordance with Section 3 of Chapter 665 of the Acts of 1956.

Attest:



Secretary of the Zoning Commission

TEXT AMENDMENT NO. 199

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

EFFECTIVE
September 7, 1993*

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning Code as follows:

By inserting, after Article 54, the following article:

ARTICLE 55

JAMAICA PLAIN NEIGHBORHOOD DISTRICT

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| 55-6 | Community Participation |

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

| | |
|--------------|--|
| Section 55-7 | Establishment of Residential Subdistricts |
| 55-8 | Use Regulations Applicable in Residential Subdistricts |
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* Date of public notice: June 30, 1993 (see St. 1956, c. 665, s. 5).

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REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

- Section 55-14 Establishment of Open Space Subdistricts

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

- Section 55-15 Establishment of Neighborhood Business Subdistricts
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SECTION 55-1. **Statement of Purpose, Goals, and Objectives.** The purpose
of this Article is to establish the zoning regulations for a neighborhood plan for the

Jamaica Plain Neighborhood District as required by the provisions of the Jamaica Plain Interim Planning Overlay District, Article 27J of this Code. The goals and objectives of this Article and the Jamaica Plain Neighborhood Plan are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to promote mixed-income residential development; to provide for affordable and market rate housing for individuals and families; to promote a viable neighborhood economy, and provide for new economies and expansion of job opportunities; to provide for the well-planned development of institutions to enhance their public service and economic development role in the neighborhood; to preserve, enhance, and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land in accordance with the Jamaica Plain Neighborhood Plan; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 55-2. Recognition of the Jamaica Plain Neighborhood Plan. In accordance with Section 27J-7 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for the Jamaica Plain Neighborhood District, the Commission shall recognize the Jamaica Plain Neighborhood Plan, when adopted by the Boston Redevelopment Authority, following approval by the Jamaica Plain Neighborhood Council, as the general plan for the Jamaica Plain Neighborhood District. The Jamaica Plain Neighborhood Plan, when approved, also shall serve as the portion of the general plan for the City of Boston applicable to the Jamaica Plain Neighborhood District. This Article is an integral part of, and one of the means of implementing, the Jamaica Plain Neighborhood Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 55-3. Physical Boundaries. The provisions of this Article are applicable only in the Jamaica Plain Neighborhood District. The boundaries of the Jamaica Plain Neighborhood District and its subdistricts are as shown on the maps numbered 9A, 9B, and 9C entitled "Jamaica Plain Neighborhood District," replacing "Map 9 Jamaica Plain," all of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 55-4. Applicability. This Article together with the rest of this Code constitute the zoning regulation for the Jamaica Plain Neighborhood District and apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. Application of the provisions of Article 27J to the Jamaica Plain Neighborhood District is rescinded, and the Jamaica Plain Interim Planning Overlay District is extinguished on the effective date of this Article, except as provided below. Where conflicts exist between the provisions of this Article and the remainder of this Code, the provisions of this Article shall govern. Except where specifically indicated to

the contrary in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the Jamaica Plain Neighborhood District. A Proposed Project, however, is exempt from the provisions of this Article, and is governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

SECTION 55-5. Prohibition of Planned Development Areas. Within the Jamaica Plain Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 55-29.

SECTION 55-6. Community Participation. This Article has been developed with the extensive participation of the Jamaica Plain Neighborhood Council and its Zoning Committee, together with civic and neighborhood associations, business and trade groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the Jamaica Plain Neighborhood Council and its Zoning Committee, and the Jamaica Plain civic and neighborhood associations, business and trade groups, and residents, shall continue to play an ongoing role in advising the City on land use planning for Jamaica Plain.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 55-7. Establishment of Residential Subdistricts. This Section 55-7 establishes Residential Subdistricts within the Jamaica Plain Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. One-Family Residential ("1F") Subdistricts. The One-Family Residential ("1F") Subdistricts are established to preserve, maintain and promote low density one-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 1F Subdistrict, the maximum number of Dwelling Units allowed in a single Building is one (1).
2. Two-Family Residential ("2F") Subdistricts. The Two-Family Residential ("2F") Subdistricts are established to preserve, maintain, and promote low density two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 2F Subdistrict, the maximum number of Dwelling Units allowed in a single Building is two (2), except where otherwise specified in Table A of this Article.
3. Three-Family Residential ("3F") Subdistricts. The Three-Family Residential ("3F") Subdistricts are established to preserve low density three-family areas with a variety of housing types appropriate to the existing fabric, including one-, two-, and three-family Dwellings, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 3F Subdistrict, the maximum number of Dwelling Units allowed in a single Building, including a Town House Building or Row House Building, is three (3), except where otherwise specified in Table A of this Article.
4. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage medium density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.

SECTION 55-8. Use Regulations Applicable in Residential Subdistricts. Within the Residential Subdistricts, no land or Structure shall be erected, used, or

arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.

SECTION 55-9. Dimensional Regulations Applicable in Residential Subdistricts.

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table E of this Article.
2. Lot Frontage. Within the One-Family Residential ("1F") Subdistricts, Two-Family Residential ("2F") Subdistricts, and Three-Family Residential ("3F") Subdistricts, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table E of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width.
3. Location of Parking. Accessory off-street parking in the Residential Subdistricts shall not be located in any part of a Front Yard required by this Article, as set forth in Table E.
4. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling should face the Front Lot Line. If the main entrance does not face a Street, the building should be designed to provide visual clues, such as a porch or covered walkway, that direct one to the main entrance.

REGULATIONS APPLICABLE IN CONSERVATION PROTECTION SUBDISTRICTS

SECTION 55-10. **Establishment of Conservation Protection Subdistricts.**

This Section 55-10 establishes Conservation Protection ("CP") Subdistricts in the Jamaica Plain Neighborhood District. The Conservation Protection Subdistricts are established to promote the most desirable use of land and siting of development in areas with special natural or scenic features in accordance with a well considered plan, and to protect and enhance the natural and scenic resources of Jamaica Plain.

The following Conservation Protection Subdistricts are established:

1. Adams Nervine Asylum Conservation Protection Subdistrict
2. Bussey Brook Conservation Protection Subdistrict
3. Chapman-Runyon Conservation Protection Subdistrict
4. Daughters of St. Paul Conservation Protection Subdistrict
5. Hellenic Hill Conservation Protection Subdistrict
6. Lawrence Farm Conservation Protection Subdistrict
7. Monastery of St. Clare Conservation Protection Subdistrict
8. Nazareth/Showa Conservation Protection Subdistrict
9. Our Lady of the Cedars of Lebanon Conservation Protection Subdistrict
10. Parkside Conservation Protection Subdistrict

SECTION 55-11. Use Regulations Applicable in Conservation Protection Subdistricts. Within the Conservation Protection Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Conservation Protection Subdistricts.

SECTION 55-12. Dimensional Regulations Applicable in Conservation Protection Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Conservation Protection Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table F of this Article.

SECTION 55-13. Site Plan Review and Approval Regulations. In order to assure that any significant new development within a Conservation Protection Subdistrict occurs in a manner that is protective of its special natural and scenic features in accordance with a plan considering the most desirable land uses for such area, the following site plan approval regulations apply. The Commissioner of the Department of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to the provisions of this Section 55-13, unless the Director of the

Boston Redevelopment Authority has issued a certificate of compliance with this Section 55-13.

1. Applicability of Site Plan Review Requirements. The site plan review requirements of this Section 55-13 shall apply to any Proposed Project within a Conservation Protection Subdistrict, unless such Proposed Project, together with Previous Projects, as hereinafter defined, does not, within such Conservation Protection Subdistrict, add more than five thousand (5,000) square feet of gross floor area or add more than five thousand (5,000) square feet of impervious surface, or involve regrading or recontouring of land with the addition, removal, or relocation of one hundred (100) or more cubic yards of earth. For the purposes of this Section 55-13, "Previous Project" means any project of the Applicant, or any predecessor in interest of the Applicant, within the same Conservation Protection Subdistrict, that has been substantially completed within the three (3) year period ending on the date of submission of the building permit application for such Proposed Project, or which, as of such date, was under construction or was the subject of a pending building permit application.
2. Procedure for Approval of Proposed Project. Each application for a permit for a Proposed Project subject to the provisions of this Section 55-13 shall include a Site Plan Review Application, containing the information required by Section 55-13.4, and shall be filed in quadruplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copies as follows: two to the Boston Redevelopment Authority, which shall transmit one copy to the Jamaica Plain Neighborhood Council or its successor organization, if any, and the other to the Boston Environment Department. The Boston Environment Department may, within forty-five (45) days after the date of such transmittal, file with the Boston Redevelopment Authority a report with recommendations, together with additional material, maps, or plans to aid the Boston Redevelopment Authority in determining consistency with the standards for approval set forth in Section 55-13.5. The Boston Redevelopment Authority shall not notify the Inspectional Services Department of its findings on the application for a Proposed Project until such report with recommendations has been received and considered, provided that if no such report is received within said forty-five (45) days, the Boston Redevelopment Authority may certify to the Inspectional Services Department its findings without such report. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the standards set forth in Section 55-13.5 or is not consistent with such standards; provided that if no such findings are transmitted to the Inspectional Services Department within sixty (60) days after the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project

shall be deemed to be consistent with the standards set forth in Section 55-13.5 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 55-13 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

3. Relationship to Article 31. When a Proposed Project is subject to the provisions of this Section 55-13 and also is subject to the provisions of Article 31, the site plan review required by this Section 55-13 may, at the election of the Applicant, be conducted as part of the development review required by Article 31. In such case, the Project Notification Form submitted to the Boston Redevelopment Authority pursuant to Section 31-5.1 shall include a summary of each of the elements of the Site Plan Evaluation, as described in Section 55-13.4 below. The required scope of the Site Plan Review Application shall be addressed in the Scoping Determination issued pursuant to Section 31-5.2, and site plan review shall occur in the context of Article 31 as though the substantive submission and review requirements of this Section 55-13 were set forth as one of the development review components described in Section 31-5.2. The timing and procedure for review shall be as set forth in Article 31, rather than as set forth in Section 55-13.2, except that the Boston Redevelopment Authority shall transmit a copy of each development review submission received for such Proposed Project to the Boston Environment Department and consider all comments received within the comment periods required by Section 55-13.2. An Adequacy Determination for such Proposed Project pursuant to Section 31-5.6 shall not be issued unless the review standards of Section 55-13.5 have been satisfied.
4. Content of Site Plan Review Application. A Site Plan Review Application shall consist of the following:
 - (a) A survey map prepared by a registered surveyor showing topography at two-foot intervals, the location, caliper and species of individual trees of 6-inch caliper or more, the location of other significant natural features on the site, including water courses, water bodies, wetlands, unusual gradients and geologic formations, plant communities and wildlife habitats. Such survey plan also shall show existing structures, parking areas, driveways and other paved surfaces, and utility lines.
 - (b) Photographs showing the location and condition of significant natural features.
 - (c) A proposed site plan showing the Proposed Project and the anticipated location of other planned projects of the Applicant within

the same Conservation Protection Subdistrict, together with planned grading and landscaping, streets, sidewalks, utilities, and other planned features of the site. Such site plan also shall show the extent to which significant natural features of the site will be preserved and protected.

- (d) A drainage plan and soil report prepared by a registered engineer, when necessary to assess the drainage impacts of the proposed site plan on significant natural features.
- (e) A proposed maintenance program for the significant natural features of the site, including a statement of whose responsibility it will be for the performance of the maintenance program.
- (f) Any other information relating to the site plan of the Proposed Project and the preservation and protection of its significant natural features as requested by the Boston Redevelopment Authority.

The Boston Redevelopment Authority may waive one or more requirements set forth in paragraphs (a) through (f) of this Section 55-13.4 upon the written request of the Applicant if the Boston Redevelopment Authority determines that such requirements are unnecessary for evaluation purposes.

5. Standards for Site Plan Approval. This Section 55-13.5 establishes standards to be applied in the review of a site plan for a Proposed Project that is subject to the provisions of this Section 55-13.

- (a) The Proposed Project should result in the minimum practicable interference with significant natural features within the Conservation Protection Subdistrict consistent with development permitted by the applicable use and dimensional controls. To the extent thus consistent,
 - (i) elements of the Proposed Project should be sited away from the most significant natural features of the site; and
 - (ii) where it is necessary to disturb or reduce in area a significant wildlife habitat or plant community, reasonable restorative measures, or the replacement of such features elsewhere on the site, should be evaluated and undertaken if economically practicable. The preservation of existing vegetation is encouraged.

- (b) Clustering of buildings and appropriate siting measures are encouraged to allow for the creation of larger contiguous open space areas, the preservation of significant natural features, and the arrangement of landscaping and structures on the site in a manner that is sensitive to the surrounding residential areas.
- (c) For a steep slope, special consideration should be given to the preservation of scenic quality and to the prevention of hillside erosion and excessive runoff. Particular care should be taken where the steep slope area is part of the watershed of a creek, stream, brook, lake, pond or wetland. Existing vegetation in steep areas should not be removed, destroyed, or damaged except pursuant to approved development and grading plans. An objective of such plans shall be to preserve the natural terrain and vegetation to the extent practicable by fitting street layouts and building designs to the natural terrain, and minimizing alterations of the natural grade.
- (d) Adequate provision should be made for proper management and maintenance of significant natural features and their immediate surroundings.
- (e) Site plan review shall take full account of reasonably foreseeable future development within the Conservation Protection Subdistrict. To discourage the improper segmentation of Proposed Projects, a criterion for the review of a site plan shall be its consistency with any previously approved site plan of the Applicant, or any predecessor in interest of the Applicant, within the same Conservation Protection Subdistrict.

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 55-14. Establishment of Open Space Subdistricts. This Section 55-14 establishes Open Space ("OS") Subdistricts in the Jamaica Plain Neighborhood District. The purpose of the Open Space Subdistricts is to enhance the quality of life for Jamaica Plain's residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts). The Open Space Subdistricts designated in the Jamaica Plan Neighborhood District are listed in Table 1 of this Section 55-14 and are of the following types:

1. Air-Right Open Space (OS-A) Subdistrict. Air-Right Open Space Subdistricts shall consist of land used as Transit Corridors owned by a Public Agency. Air-Right Open Space Subdistrict regulations as established in Section 33-16 shall apply to the development of spaces over such Transit Corridors.
2. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses and are subject to the provisions of Section 33-14.
3. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.
4. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof. Recreation Open Space Subdistricts are subject to the provisions of Section 33-10.
5. Urban Wild Open Space (OS-UW) Subdistrict. Urban Wild Open Space Subdistricts shall consist of land not in the City's park system that includes such features as undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuary, creek, river, stream, pond, or lake, or any land under said waters. Urban Wild Open Space Subdistricts are subject to the provisions of Section 33-12.
6. Botanical/Zoological Garden Open Space (OS-BZ) Subdistrict. Botanical/Zoological Garden Open Space Subdistricts shall consist of land appropriate for facilities open to the general public that are devoted to the

conservation, study, and observation of plant and animal species. Such facilities may include botanical gardens, arboretums, horticultural conservatories, and zoological gardens. Passive recreational uses, including walkways, picnic areas, and sitting areas, also are allowed in Botanical/Zoological Garden Open Space Subdistricts.

TABLE 1

**Open Space Subdistricts in the
Jamaica Plain Neighborhood District**

| <u>Designation</u> | <u>Location/Name</u> |
|-----------------------------|---|
| Air Right | Southwest Corridor Air Right |
| Botanical/Zoological Garden | Arnold Arboretum |
| Cemetery | Forest Hills Cemetery Hyde Park Avenue Cemetery St. Michael's Cemetery |
| Parkland | Arborway Heath Square Hyde Square Jamaica Way Jamaica Pond Morton/Lennoco Oakview Terrace Soldiers Monument MBTA Yard |
| Recreation | Beecher Street Play Area Brewer/Burroughs Tot Lot English High School Fields Flaherty Playground Hernandez School Playground Jefferson Playground Johnson Playground Mozart Street Playground Murphy Playground Olmsted Park Pagel Playground Parkman Playground Paul Gore Street Rossmore/Stedman Park South Street Mall Southwest Corridor Park Williams Street Stables |
| Urban Wild | Bussey Brook Urban Wild (BCC Portion) Nira Rock |

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 55-15. Establishment of Neighborhood Business Subdistricts.

This Section 55-15 establishes Neighborhood Business Subdistricts within the Jamaica Plain Neighborhood District. There are two types of Neighborhood Business Subdistricts in the Jamaica Plain Neighborhood District: Local Convenience ("LC") Subdistricts, providing convenience goods and services for the immediate neighborhood and pedestrians; and Neighborhood Shopping ("NS") Subdistricts, providing convenience goods and services to the larger neighborhood. Both types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the Jamaica Plain community.

The following Neighborhood Business Subdistricts are established:

1. Centre Street Local Convenience (LC) Subdistrict
2. Green Street Local Convenience (LC) Subdistrict
3. Hyde Park Avenue Local Convenience (LC) Subdistrict
4. Hyde Square Local Convenience (LC) Subdistrict
5. Morton Street Local Convenience (LC) Subdistrict
6. South Street Local Convenience (LC) Subdistrict
7. Centre Street Neighborhood Shopping (NS) Subdistrict
8. Egleston Square Neighborhood Shopping (NS) Subdistrict
9. Hyde Park Avenue Neighborhood Shopping (NS) Subdistrict
10. Hyde Square Neighborhood Shopping (NS) Subdistrict

SECTION 55-16. Use Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

SECTION 55-17. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table G of this Article.

REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

SECTION 55-18. Establishment of Local Industrial Subdistricts. This Section 55-18 establishes Local Industrial ("LI") Subdistricts within the Jamaica Plain Neighborhood District. The purpose of the Local Industrial Subdistricts is to encourage the preservation of the existing manufacturing and industrial base in a manner that is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the Jamaica Plain Neighborhood District.

The following Local Industrial Subdistricts are established:

1. Amory Street Local Industrial Subdistrict
2. Germania Street Local Industrial Subdistrict
3. Lanesville Terrace Local Industrial Subdistrict
4. Marbury Terrace Local Industrial Subdistrict
5. Stonely Road Local Industrial Subdistrict
6. Washington Street Local Industrial Subdistrict

SECTION 55-19. Use Regulations Applicable in Local Industrial Subdistricts. Within the Local Industrial Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table C is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in the Local Industrial Subdistricts.

SECTION 55-20. Dimensional Regulations Applicable in Local Industrial Subdistricts. The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Local Industrial Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table H of this Article.

REGULATIONS APPLICABLE IN INDUSTRIAL DEVELOPMENT AREAS

SECTION 55-21. Establishment of Industrial Development Areas. This Section 55-21 establishes Industrial Development Areas ("IDAs") within the Jamaica Plain Neighborhood District. IDAs are designed to encourage the expansion of the existing manufacturing and industrial base in a manner that is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the Jamaica Plain Neighborhood District. The Economic Development and Industrial Corporation ("EDIC"), as the agency with the responsibility for coordinating and implementing the Industrial Development Plan for the City of Boston, will play an ongoing and active role in overseeing the direction of growth and development in the IDAs.

The following Industrial Development Areas are established:

1. Jackson Square Industrial Development Area
2. Arborway Industrial Development Area

SECTION 55-22. Use Regulations Applicable in Industrial Development Areas. Within the Industrial Development Areas, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table C is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in the Industrial Development Areas.

SECTION 55-23. Dimensional Regulations Applicable in Industrial Development Areas. The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in an Industrial Development Area, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table H of this Article.

REGULATIONS APPLICABLE IN NEIGHBORHOOD INSTITUTIONAL SUBDISTRICTS

SECTION 55-24. **Establishment of Neighborhood Institutional Subdistricts.**

This Section 55-24 establishes Institutional ("NI") Subdistricts within the Jamaica Plain Neighborhood District. The purpose of the Institutional Subdistricts is to identify major Institutional uses within residential neighborhoods and to provide regulations that will allow small-scale Institutional projects to proceed as of right, while requiring review of larger Institutional projects to ensure that such projects proceed in a manner that is sensitive to and preserves the quality of life of the surrounding residential neighborhoods.

The following Neighborhood Institutional Subdistricts are established:

1. Faulkner Hospital Institutional Subdistrict
2. Veterans Administration Hospital Institutional Subdistrict
3. Angell Memorial Hospital Institutional Subdistrict

SECTION 55-25. Use Regulations Applicable in Neighborhood Institutional Subdistricts. Within the Neighborhood Institutional Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden in the Neighborhood Institutional Subdistricts.

SECTION 55-26. Dimensional Regulations Applicable in Neighborhood Institutional Subdistricts. The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Institutional Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table I of this Article.

REGULATIONS APPLICABLE IN GREENBELT PROTECTION AND NEIGHBORHOOD DESIGN OVERLAY DISTRICTS

SECTION 55-27. Establishment of Greenbelt Protection Overlay Districts.

This Section 55-27 establishes Greenbelt Protection Overlay Districts ("GPOD") in the Jamaica Plain Neighborhood District. The following Greenbelt Roadways and their adjacent areas between the boundary lines shown on Maps 9A, 9B, and 9C are designated Greenbelt Protection Overlay Districts.

1. Allandale Street GPOD
2. Arborway GPOD
3. Centre Street GPOD
4. Forest Hills Street GPOD
5. Jamaicaway GPOD
6. Morton Street GPOD
7. Perkins Street GPOD
8. Prince Street GPOD
9. Sigourney Street GPOD
10. South Street GPOD
11. Southwest Corridor GPOD
12. Walnut Avenue GPOD

Any Lot within a GPOD is subject to the provisions of this Article applicable to the subdistrict within which it is located and to the provisions of Article 29 (Greenbelt Protection Overlay Districts).

When a Proposed Project within a GPOD is subject to the provisions of Article 31 (Development Review Requirements), the review by the Boston Redevelopment Authority required in connection with this Section 55-31 and Article 29 may, at the election of the Applicant, be conducted as part of the development review required by Article 31. In such case, the Project Notification Form submitted to the Boston Redevelopment Authority pursuant to Section 31-5.1 shall include a summary of the information required by Section 29-5. The requirements of Section 29-5 shall be addressed in the Scoping Determination issued pursuant to Section 31-5.2, and review shall occur in the context of Article 31 as though the substantive submission and review requirements of Section 29-5 were set forth as one of the development review components described in Section 31-5.2. The timing and procedure for review shall be as set forth in Article 31, rather than Article 29 or Article 6. An Adequacy Determination for such Proposed Project pursuant to Section 31-5.6 shall not be issued unless the review standards of Section 29-6 have been satisfied.

SECTION 55-28. Establishment of Neighborhood Design Overlay Districts.

This Section 55-28 establishes Neighborhood Design Overlay Districts ("NDOD") as overlays to certain subdistricts within the Jamaica Plain Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the historic

character, existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentrations of historic buildings within the Neighborhood Design Overlay Districts.

Within the Neighborhood Design Overlay Districts, design review, pursuant to Section 55-36, is applicable to Proposed Projects described in Section 55-36.1. All use, dimensional, and other provisions applicable to the underlying subdistricts are applicable within the Neighborhood Design Overlay Districts.

The following Neighborhood Design Overlay Districts are established:

1. Glenvale Park Neighborhood Design Overlay District. Glenvale Park was platted in 1848 and features a significant concentration of architecturally notable Greek Revival, Italianate, and mansard residences.
2. Green Street Neighborhood Design Overlay District. The Green Street manufacturing area is characterized by a concentration of late 19th century masonry manufacturing and hotel buildings which were built near the location of the old Jamaica Plain Depot in the Stony Brook Valley.
3. Hyde Square Neighborhood Design Overlay District. The Hyde Square area features a number of triple decker residential buildings built in the 1890s by Roxbury and Jamaica Plain architects. Built in the Queen Anne style of architecture, these buildings are notable for their unusually high quality of design.
4. Monument Square Neighborhood Design Overlay District. The Monument Square area is the historic center of Jamaica Plain. The area contains many significant examples of high quality residential and public architecture.
5. Sumner Hill Neighborhood Design Overlay District. Sumner Hill has a variety of high quality architectural styles among its residential buildings. Houses in this district were built along curvilinear streets which were designed to enhance the topography of the area and create a more picturesque neighborhood form.
6. Walnut/Sigourney Neighborhood Design Overlay District. The Walnut/Sigourney area has a significant number of 19th century Victorian residences that were designed and built on large lots in order to take advantage of the close proximity to Franklin Park. These buildings are notable because of their high design quality.
7. Williams Street Neighborhood Design Overlay District. Williams Street has an eclectic mix of high design quality triple deckers and Victorian

residences nestled between Franklin Park and the Parkside Conservation Protection Subdistrict. These houses were designed to take advantage of the topography of the area and create a more picturesque urban form.

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

SECTION 55-29. Establishment of Areas Within Which Planned Development Areas May be Permitted. Planned Development Area ("PDAs"), as described in Section 3-1A.a, are permitted within the Conservation Protection Subdistricts and the Industrial Development Areas. PDAs are not permitted elsewhere in the Jamaica Plain Neighborhood District.

The purposes of establishing the areas specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to provide public benefits to the Jamaica Plain community, including the creation of new job opportunities; to allow for the diversification and expansion of Boston's and Jamaica Plain's economy through manufacturing, commercial, and scientific research and development uses; to encourage economic development in the Industrial Development Areas while ensuring public benefits and quality urban design by providing planning and design controls; to encourage economic development and commercial, manufacturing, and industrial expansion; and to protect the significant open space and significant natural features of areas in a Conservation Protection Subdistrict.

SECTION 55-30. Planned Development Areas: Use and Dimensional Regulations.

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan.
2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Building Height, Floor Area Ratio (FAR), and number of dwelling units per acre for such Proposed Project shall not exceed the limits set forth in Table 2, below:

TABLE 2

**Jamaica Plain Neighborhood District
Planned Development Areas
Maximum Building Heights, Floor Area Ratios,
and Number of Dwelling Units Per Acre**

| <u>Area</u> | <u>Maximum Building Height</u> | <u>FAR</u> | <u>Maximum No. of Dwelling Units/Acre</u> |
|--------------------------------------|--|------------|---|
| Industrial Development Areas | 45' | 2 | N/A |
| Conservation Protection Subdistricts | 45' | 0.3 | 4.5 |

SECTION 55-31. Planned Development Areas: Approval Process. This Section 55-31 establishes a process for approving Proposed Projects within Planned Development Areas.

1. Development Plan Approval Process. To establish a PDA, the Applicant must submit a Development Plan for the Proposed Project to the Boston Redevelopment Authority for its approval in accordance with Section 3-1A.a. A Proposed Project within a PDA may be located on multiple contiguous parcels or Lots, whether or not any portion of the Proposed Project on a particular parcel or Lot satisfies the provisions of this Article and Code, so long as the Proposed Project as a whole is consistent with the provisions of this Article and Code, including without limitation those relating to maximum Building Height, Floor Area Ratio, and number of dwelling units per acre.
2. Boston Redevelopment Authority Review. No later than sixty (60) days after the Applicant files a Development Plan, the Boston Redevelopment Authority shall approve the Development Plan, and authorize its Director to petition the Zoning Commission to approve the Development Plan and to designate the area of the Proposed Project as a PDA, or shall conditionally approve the Development Plan, or shall disapprove the Development Plan.
3. Community Participation. The Applicant shall provide the Boston Redevelopment Authority with a sufficient number of copies (up to fifty (50)) of the application for Development Plan approval to allow for distribution to interested parties. After receiving such application, the Boston Redevelopment Authority shall retain one copy of such application for its files and shall transmit copies to appropriate City departments and agencies, to the Jamaica Plain Neighborhood Council or its successor organization, if any, and to neighborhood organizations in the Jamaica

Plain Neighborhood District that have requested such materials. Within five (5) days after the Boston Redevelopment Authority has received such application, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the City. Such notice shall state the name of the applicant, identify the Development Plan area, and specify the date by which comments from the public must be received by the Boston Redevelopment Authority. The Boston Redevelopment Authority shall make copies of such application available generally to the public. Before it renders a decision on an application for Development Plan approval, the Boston Redevelopment Authority shall review timely comments and recommendations from the Jamaica Plain Neighborhood Council, or its successor organization, if any, the general public, civic and neighborhood and community organizations in the Jamaica Plain Neighborhood District, and public agencies concerning the Development Plan's compliance with the approval standards set forth in Section 55-33 (which address Development Plan impacts). The Boston Redevelopment Authority shall work toward resolution of issues raised in the public review process.

4. Zoning Commission Approval Only; No Board of Appeal Action Required. Upon approval of the Development Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Development Plan to the Zoning Commission for its consideration, with a copy to the Jamaica Plain Neighborhood Council or its successor organization, if any. The Zoning Commission may approve the Development Plan and establish a PDA if such PDA consists solely of land with respect to which an agreement has been or subsequently is entered into with the Boston Redevelopment Authority establishing use and dimensional controls as specified in the Development Plan. The Proposed Project, and the parcels or Lots and improvements thereon, that are the subject of the Development Plan shall be deemed to be in compliance with the provisions of this Article and Code, without the requirement of Board of Appeal action, so long as the same are consistent with the provisions of the approved Development Plan and, with respect to matters not covered by the approved Development Plan, consistent with the other applicable provisions of this Article and Code. Nothing in this Article shall be construed to limit the power of the Board of Appeal to grant Zoning Relief for Proposed Projects in PDAs, except that exceptions from the Building Height, FAR, and number of dwelling units per acre provisions set forth in Section 55-30 are not permitted.
5. Amendment of Development Plan. In a PDA, no Proposed Project shall proceed unless the Boston Redevelopment Authority has certified to the Commissioner of Inspectional Services that the Proposed Project is consistent with the approved Development Plan, as amended from time to

time, for such PDA or the portion thereof to which said work relates. The procedure for amendment of the Development Plan is the same procedure as the procedure for initial approval of a Development Plan, as set forth in Section 3-1A.a and in Section 55-31.1.

SECTION 55-32. Applicability of Future Amendments. The issuance of any permit for the development or construction of any portion of a Proposed Project that is proceeding in accordance with an approved Development Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the provision of Section 5 of said Chapter 665 that requires that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved Development Plan.

SECTION 55-33. Planned Development Areas: Standards for Development Plan Approval. Before transmittal to the Zoning Commission, a Development Plan shall have been approved by the Boston Redevelopment Authority after a public hearing; provided, however, that no Development Plan shall be approved unless the Boston Redevelopment Authority finds that: (a) such Development Plan complies with the provisions of Sections 55-29 through Section 55-34 (Regulations Applicable in Planned Development Areas); (b) such Development Plan conforms to the Jamaica Plain Neighborhood Plan and the general plan for the City as a whole; (c) each Proposed Project described in such Development Plan is in compliance with the Building Height, FAR, and number of dwelling units per acre limits set forth in Section 55-30; and (d) on balance, nothing in such Development Plan will be injurious to the Jamaica Plain neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

SECTION 55-34. Planned Development Areas: Public Benefits. The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the provisions of Section 55-33 if the Development Plan proposes a plan for public benefits, including one or more of the following: (a) diversification and expansion of Boston's economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; or (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (c) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space improvements, including open space connections to the Emerald Necklace open space system and the Southwest Corridor Park, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, and the enhancement of existing open space or the creation of new open space.

REGULATIONS GOVERNING DEVELOPMENT REVIEW AND DESIGN REVIEW

SECTION 55-35. **Applicability of Article 31 Development Review**

Requirements. In order to ensure that growth in the Jamaica Plain Neighborhood District is compatible with the character of the existing buildings and landscape and that new development is of a quality that complements and enhances the neighborhood visually and economically and is not damaging to environmental quality, the provisions of Article 31 (Development Review Requirements) apply to the following Proposed Projects.

Notwithstanding any provision of Section 31-4 to the contrary, the provisions of Article 31 (Development Review Requirements), other than Section 31-3, shall be applicable, except where otherwise specified in this Article, to any Proposed Project to: (a) erect a Building or Structure having a gross floor area of fifty thousand (50,000) or more square feet; or (b) enlarge a Building or Structure so as to increase its gross floor area by fifty thousand (50,000) or more square feet; or (c) establish or change the uses of a gross floor area of fifty thousand (50,000) or more square feet; or (d) establish or change to conditional or forbidden uses the uses of a gross floor area of fifty thousand (50,000) or more square feet. If the Proposed Project is a Proposed Neighborhood Institutional Project, the Boston Redevelopment Authority shall consider, in reviewing the impacts of such project, the Institution's plans for future development in the vicinity of such Project.

The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to the provisions of this Section 55-35 unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with the applicable provisions of Article 31 and this Section 55-35.

SECTION 55-36. **Design Review.**

1. Applicability of Design Review. The provisions of this Section 55-36 shall apply only to those Proposed Projects specified in this Section 55-36 that are not otherwise subject to Article 31 development review pursuant to Section 55-35.1 or by election.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority:

- (a) Projects Adding 20,000 Square Feet of Floor Area. Any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate gross floor area of twenty thousand (20,000) or more gross square feet. In the Local Industrial Subdistricts and the Industrial Development Areas, the Boston Redevelopment Authority may waive the requirements of design review if the Boston Redevelopment Authority determines that the

Proposed Project, when completed, will not be visible from a public street outside the Local Industrial Subdistricts and Industrial Development Areas.

- (b) Certain Projects Adding Dwelling Units. Any Proposed Project for the construction of fifteen (15) or more Dwelling Units (but not including rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more Dwelling Units).
- (c) Certain Exterior Alterations in Neighborhood Design Overlay Districts. Within the Neighborhood Design Overlay Districts, any exterior alteration changing the roof shape, cornice line, Street Wall height, or Building Height of an existing Building, and any Proposed Project for the erection or extension of a Building with a gross floor area of three hundred (300) or more square feet, or for an exterior alteration to change the Building massing or the size or location of door or window openings, where such exterior alteration affects three hundred (300) or more square feet of exterior wall area, if such new Building, extension, or exterior wall alteration is visible from any public street or public open space.

The provisions of this Section 55-36 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project that is subject to the provisions of this Section 55-36 unless the Director of the Boston Redevelopment Authority certifies that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

- 2. Procedure for Design Approval. Each application for a permit for a Proposed Project that is subject to design review by the Boston Redevelopment Authority pursuant to this Section 55-36 shall include a Design Review Application, containing the information required by Section 55-36.3, and shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other two copies to the Boston Redevelopment Authority, which shall transmit one copy to the Jamaica Plain Neighborhood Council or its successor organization, if any. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the guidelines set forth in Section 55-36.4 or is not consistent with those guidelines; provided that if no such findings are transmitted to the Inspectional Services Department

within thirty (30) days of the receipt by the Boston Redevelopment Authority of the completed Design Review Application for the Proposed Project, the Proposed Project shall be deemed to be consistent with the guidelines set forth in Section 55-36.4 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 55-36 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

3. Content of Design Review Application. A Design Review Application shall consist of such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project is consistent with the guidelines set forth in Section 55-36.4. Such materials shall set forth, for the existing conditions and for the Proposed Project: vehicular access and egress to and from the site; location and dimensions of all buildings, structures, and parking and loading areas; relationships of primary buildings to secondary buildings; landscaping and screening; roof shapes, cornice lines, and roof structures; exterior wall articulation, fenestration, and other architectural features; and proposed sign locations.
4. Design Guidelines. The Boston Redevelopment Authority shall review each Proposed Project that is subject to design review under this Section 55-36 for consistency with the following design guidelines.
 - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
 - (b) Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
 - (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.
 - (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic architectural feature is discouraged.

- (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural character of historically distinctive commercial buildings in the surrounding area.
- (f) For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian activity. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged. Where a Front Yard is required between the sidewalk edge and the Street Wall, such Front Yard should include an adequate landscaped buffer.
- (g) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (h) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (i) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setbacks from streets, spacing among buildings, and orientation of facades to the street and neighboring structures. A facade facing a Street should not consist of blank walls without windows. In addition, the location of buildings should respect significant landscape features on the site.
- (j) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (k) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows facing onto pedestrian areas, should be avoided to the extent practicable in building design. Consistency with the established local structure should be considered

in the design of cornice and roof lines and wall articulation, including the design of bays and fenestration.

- (l) Storefronts and display windows should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.
- (m) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (n) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy, such as headhouses and mechanical equipment.
- (o) A zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.
- (p) Landscaping and screening should be used to make the business and industrial subdistricts more attractive, and to provide screening between business, industrial, and residential uses.
- (q) In addition to the foregoing, the design features of a Proposed Project should take into consideration any special characteristics of the site and its location, and should enhance and reinforce any historic qualities of existing structures.

SECTION 55-37. Specific Design Requirements. Except as otherwise expressly provided in this Article or Code, the provisions of this Section 55-37 shall apply to Proposed Projects within those subdistricts specified in this Section 55-37, except to the extent that provisions for Street Walls and display windows have been addressed through Article 31 development review, pursuant to Section 55-35.1 or by

election, or through design review, pursuant to Section 55-36. The provisions of Article 6A shall be applicable to the provisions of this Section 55-37.

1. Street Wall Continuity in Neighborhood Business Subdistricts. This Section 55-37.1 shall apply within the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.

In any Proposed Project that is subject to this Section 55-37.1, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then, notwithstanding any contrary provision of Section 55-36, the Proposed Project shall be deemed to be subject to the design review provisions of Section 55-36 for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 55-37.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

For Proposed Projects that are subject to or elect to comply with the development review requirements of Article 31 or the design review requirements of Section 55-36, recesses and bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the Block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the urban design provisions of Article 31 or the design review provisions of Section 55-36.

2. Display Window Area Regulations in Neighborhood Business Subdistricts. This Section 55-37.2 shall apply in the Neighborhood Business Subdistricts

to any Proposed Project for the uses specified in this Section 55-37.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.

- (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 55-37.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.
 - (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (iii) For Vehicular Uses involving the servicing or washing of vehicles, and for Industrial Uses, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use conducted on the premises.

- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 55-37.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner.

SECTION 55-38. Screening and Buffering Requirements. In order to enhance the appearance of Jamaica Plain's commercial and industrial subdistricts and to ensure that these subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 55-38 shall apply to those Proposed Projects described in this Section 55-38, except where provisions for adequate screening and buffering have been established for a Proposed Project through Article 31 development review, pursuant to Section 55-35.1 or by election, or through design review, pursuant to Section 55-36. The provisions of Article 6A shall apply to the provisions of this Section 55-38.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts. Where any Lot line of a Proposed Project located in a Neighborhood Business Subdistrict abuts (a) a public park, or (b) a Residential Subdistrict, and where any Lot line of a Proposed Project located in a Local Industrial Subdistrict or an Industrial Development Area abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict, or (d) a Neighborhood Business Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, or subdistrict, a strip of shrubs and trees densely planted along the inside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the inside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line abutting a public street or public park, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict or Neighborhood Business Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict, or (d) in the case of a Lot located in a Local Industrial Subdistrict or Industrial Development Area, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 55-38.2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.

3. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict, or (d) in the case of a Lot located in a Local Industrial Subdistrict or an Industrial Development Area, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 55-38.3. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
4. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
5. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board-type wood. The use of chain link fencing without wooden strips is discouraged except on small areas not facing a public street or public park. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.

6. Specifications for Plantings. Shrubs required by this Section 55-38 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 55-38 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade) and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.
7. Maintenance of Landscaped Areas. Landscaping required by this Section 55-38 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 55-38.

MISCELLANEOUS PROVISIONS

SECTION 55-39. Sign Regulations. The provisions of this Section 55-39 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Article 31 development review, pursuant to Section 55-35 or by election, or through design review pursuant to Section 55-36.

1. Sign Regulations Applicable in Residential Subdistricts, Open Space Subdistricts and Conservation Protection Subdistricts. In all Residential Subdistricts, Open Space Subdistricts and Conservation Protection Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.
2. Sign Regulations Applicable in All Subdistricts Other Than Residential, Open Space, and Conservation Protection Subdistricts. In all subdistricts other than Residential Subdistricts, Open Space Subdistricts, and Conservation Protection Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 55-39. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
 - (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.
 - (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign that incorporates a public

service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour.

- (c) Free-standing Signs. Free-standing Signs shall be permitted only for Gasoline Stations and conditional for all other uses. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of: (i) fifteen (15) square feet, if there is one use on the Lot, or (ii) thirty (30) square feet, if there are two or more uses on the Lot. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of the effective date of this Article, is forbidden in the Jamaica Plain Neighborhood District.
- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

SECTION 55-40. Off-Street Parking and Loading Requirements. For any Proposed Project that is subject to or has elected to comply with the provisions of Article 31, required off-street parking spaces and off-street loading facilities shall be determined through development review in accordance with the provisions of Article 31. For all other Proposed Projects, the minimum required off-street parking spaces are as set forth in Table J, and the minimum required off-street loading spaces are as set forth in Table K.

1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such open-air use shall constitute floor area.

2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.
3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. Location.
 - (a) Off-street parking and loading spaces shall not be located in any part of the Front Yards or landscaped areas required by this Article.
 - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 55-40 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; and (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.
 - (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:
- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic. Such facilities shall be Accessible to physically handicapped persons. All lighting for such facilities shall be arranged so as to shine downward and away from streets and residences.
 - (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
 - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 55-41. Application of Dimensional Requirements.

1. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the

triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.

3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 55-41. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
5. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.
6. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one half (1-1/2) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than seven (7) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.
7. Accessory Buildings in Side or Rear Yard. Accessory Buildings may be erected in a Side or Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height, or nearer than four (4) feet to any side or rear Lot line, or closer than sixty-five (65) feet to the front Lot line.

8. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
9. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
10. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than fifteen (15) feet deep.
11. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings, and parapets of such Structure, shall not extend more than five (5) feet above Grade.
12. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 55-41.12 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 55-41.12 were met.
13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, including temporary Dwellings, the

yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 55-42. Nonconformity as to Dimensional Requirements. A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 55-43. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 55-44. Severability. The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 55-45. Definitions. Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 55-46. Tables. The following tables are hereby made part of this Article:

Tables A - D Use Regulations

- A - Residential Subdistricts
Conservation Protection Subdistricts
- B - Neighborhood Business Subdistricts
- C - Local Industrial Subdistricts
Industrial Development Areas
- D - Neighborhood Institutional Subdistricts

Tables E - I Dimensional Regulations

- E - Residential Subdistricts
- F - Conservation Protection Subdistricts
- G - Neighborhood Business Subdistricts
- H - Local Industrial Subdistricts

Industrial Development Areas

- I - Neighborhood Institutional Subdistricts

Tables J - K Parking and Loading Regulations

- J - Off-Street Parking

- K - Off-Street Loading

TABLE A

**Jamaica Plain Neighborhood District
Use Regulations
Residential Subdistricts and Conservation Protection Subdistricts**

Key: A=Allowed, C=Conditional, F=Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

| | <u>One- Family (1F)</u> | <u>Two- Family (2F)</u> | <u>Three- Family (3F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|---|---------------------------------|---------------------------------|-----------------------------------|--|---|
| <u>Banking and Postal Uses</u> | | | | | |
| Automatic teller machine | F | F | F | F | F |
| Bank | F | F | F | F | F |
| Drive-in bank | F | F | F | F | F |
| Post office | F | F | F | F | F |
| <u>Community Uses</u> | | | | | |
| Adult education center | F | F | F | F | C |
| Community center | C | C | C | C ⁽¹⁾ | A ⁽²⁾ |
| Day care center | C | C | C | C ⁽¹⁾ | A ⁽²⁾ |
| Day care center, elderly | C | C | C | C ⁽¹⁾ | A ⁽²⁾ |
| Library | A | A | A | A | A ⁽²⁾ |
| Place of worship; monastery; convent; parish house | A | A | A | A | A |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|---|--------------------|--------------------|----------------------|-------------------------------------|------------------------------------|
| <u>Cultural Uses</u> | | | | | |
| Art gallery | F | F | F | F | A ⁽²⁾ |
| Art use | F | F | F | F | A ⁽²⁾ |
| Auditorium | F | F | F | F | C |
| Cinema | F | F | F | F | F |
| Concert hall | F | F | F | F | C |
| Museum | F | F | F | F | A ⁽²⁾ |
| Public art, display space | F | F | F | F | C |
| Studios, arts | F | F | F | F | C |
| Studios, production | F | F | F | F | C |
| Theatre | F | F | F | F | C |
| Ticket sales | F | F | F | F | F |
| <u>Dormitory and Fraternity Uses</u> | | | | | |
| Dormitory not accessory to a use | F | F | F | F | F |
| Fraternity | F | F | F | F | F |
| <u>Educational Uses</u> | | | | | |
| College or university ⁽³⁾ | F | F | F | F | C |
| Elementary or secondary school ⁽⁴⁾ | A | A | A | A | A |
| Kindergarten | A | A | A | A | C |
| Professional school | F | F | F | F | C |
| Trade school | F | F | F | F | C |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|--|--------------------|--------------------|----------------------|-------------------------------------|------------------------------------|
| <u>Entertainment and Recreational Uses</u> | | | | | |
| Adult entertainment | F | F | F | F | F |
| Amusement game machines in commercial establishment | F | F | F | F | F |
| Amusement game machines in non-commercial establishment | F | F | F | F | F |
| Bar | F | F | F | F | F |
| Bar with live entertainment | F | F | F | F | F |
| Bowling alley | F | F | F | F | F |
| Billiard parlor | F | F | F | F | F |
| Dance hall | F | F | F | F | F |
| Drive-in theatre | F | F | F | F | F |
| Fitness center or gymnasium | F | F | F | F | F |
| Private club not serving alcohol | F | F | F | F | F |
| Private club serving alcohol | F | F | F | F | F |
| Restaurant with live entertainment, not operating after 10:30 p.m. | F | F | F | F | F |
| Restaurant with live entertainment, operating after 10:30 p.m. | F | F | F | F | F |
| <u>Funerary Uses</u> | | | | | |
| Cemetery | F | F | F | F | A |
| Columbarium | F | F | F | F | F |
| Crematory | F | F | F | F | F |
| Funeral home | A | A | A | A ⁽¹⁾ | F |
| Mortuary chapel | C | C | C | C ⁽¹⁾ | A |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|---|--------------------|--------------------|----------------------|-------------------------------------|------------------------------------|
| <u>Health Care Uses</u> | | | | | |
| Clinic | F | F | F | F | F |
| Clinical laboratory | F | F | F | F | F |
| Custodial care facility | F | F | F | C | C |
| Group residence, general | F | F | F | F | F |
| Hospital ⁽³⁾ | F | F | F | F | F |
| Nursing or convalescent home ⁽³⁾ | F | F | F | C | C |
| <u>Hotel and Conference Center Uses</u> | | | | | |
| Bed and breakfast | C | C | C | A | C |
| Conference center | F | F | F | F | A ⁽²⁾ |
| Executive suites | F | F | F | F | F |
| Hotel | F | F | F | F | F |
| Motel | F | F | F | F | F |
| <u>Industrial Uses</u> | | | | | |
| Artists' mixed-use | F | F | F | C | F |
| Cleaning plant | F | F | F | F | F |
| General manufacturing use | F | F | F | F | F |
| Light manufacturing use | F | F | F | F | F |
| Printing plant | F | F | F | F | F |
| Restricted industrial use | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|---|--------------------|--------------------|----------------------|-------------------------------------|------------------------------------|
| <u>Office Uses</u> | | | | | |
| Agency or professional office | F | F | F | F | F |
| General office | F | F | F | F | F |
| Office of wholesale business | F | F | F | F | F |
| <u>Open Space Uses</u> | | | | | |
| Golf driving range | F | F | F | F | F |
| Grounds for sports, private | C | C | C | C | C |
| Open space | A | A | A | A | A |
| Open space recreational building | C | C | C | C | C |
| Outdoor place of recreation for profit | F | F | F | F | C |
| Stadium | F | F | F | F | F |
| <u>Public Service Uses</u> | | | | | |
| Automatic telephone exchange ⁽⁴⁾ | C | C | C | C | C |
| Courthouse ⁽⁴⁾ | C | C | C | C | F |
| Fire station ⁽⁴⁾ | A | A | A | A | C |
| Penal institution | F | F | F | F | F |
| Police station ⁽⁴⁾ | A | A | A | A | A |
| Pumping station ⁽⁴⁾ | C | C | C | C | C |
| Recycling facility (excluding toxic waste) | F | F | F | F | F |
| Solid waste transfer station | F | F | F | F | F |
| Sub-station ⁽⁴⁾ | C | C | C | C | C |
| Telephone exchange | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|--|--------------------|--------------------|----------------------|-------------------------------------|------------------------------------|
| <u>Research and Development Uses⁽⁵⁾</u> | | | | | |
| Research laboratory | F | F | F | F | C |
| Product development or prototype manufacturing | F | F | F | F | F |
| <u>Residential Uses⁽⁶⁾</u> | | | | | |
| Congregate living complex | F | F | F | C | C |
| Elderly housing | F | F | F | A | A |
| Group residence, limited | A | A | A | C | C |
| Lodging house | F | F | F | F | F |
| Mobile home | F | F | F | F | F |
| Mobile home park | F | F | F | F | A ⁽⁷⁾ |
| Multi-family dwelling | F | F | F | A | C |
| One family detached dwelling | A | A | A | A | A |
| One family semi-attached dwelling | F | C | C | C | C |
| Orphanage | C | F | C | A | A |
| Rowhouse | F | C | C | A | A |
| Temporary dwelling structure | C | F ⁽⁸⁾ | A | A | A |
| Three family detached dwelling | F | F | A | A | A |
| Townhouse | F | F | A | A | A |
| Transitional housing or homeless shelter | C | C | C | C | C |
| Two family detached dwelling | F | A | A | A | A |
| Two family semi-attached dwelling | F | F | A | A | A |

TABLE A - Continued

| <u>Restaurant Uses</u> | <u>One-Family (1F)</u> | <u>Two-Family (2F)</u> | <u>Three-Family (3F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|---------------------------------|------------------------|------------------------|--------------------------|--------------------------------------|-------------------------------------|
| Drive-in restaurant | F | F | F | F | F |
| Restaurant | F | F | F | F | F |
| Take-out restaurant | F | F | F | F | F |
| Small ⁽⁹⁾ | F | F | F | F | F |
| Large ⁽⁹⁾ | F | F | F | F | F |
| <u>Retail Uses</u> | | | | | |
| Adult bookstore | F | F | F | F | F |
| Bakery | F | F | F | F | F |
| General retail business | F | F | F | F | F |
| Liquor store | F | F | F | F | F |
| Local retail business | F | F | F | F | F |
| Outdoor sale of garden supplies | F | F | F | F | F |
| <u>Service Uses</u> | | | | | |
| Animal hospital | F | F | F | F | F |
| Barber or beauty shop | F | F | F | F | F |
| Caterer's establishment | F | F | F | F | F |
| Dry-cleaning shop | F | F | F | F | F |
| Kennel | F | F | F | F | F |
| Laundry, retail service | F | F | F | F | F |
| Laundry, self-service | F | F | F | F | F |
| Photocopying establishment | F | F | F | F | F |
| Shoe repair | F | F | F | F | F |
| Tailor shop | F | F | F | F | F |

TABLE A - Continued

| <u>Storage Uses, Major</u> | <u>One-Family (1F)</u> | <u>Two-Family (2F)</u> | <u>Three-Family (3F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|---|------------------------|------------------------|--------------------------|--------------------------------------|-------------------------------------|
| Enclosed storage of solid fuel or minerals | F | F | F | F | F |
| Outdoor storage of solid fuel or minerals | F | F | F | F | F |
| Outdoor storage of new materials | F | F | F | F | F |
| Outdoor storage of damaged or disabled vehicles | F | F | F | F | F |
| Outdoor storage of junk and scrap | F | F | F | F | F |
| Storage of flammable liquids and gases | F | F | F | F | F |
| Small ⁽¹⁰⁾ | F | F | F | F | F |
| Large ⁽¹⁰⁾ | F | F | F | F | F |
| Storage or transfer of toxic waste | F | F | F | F | F |
| Warehousing | F | F | F | F | F |
| Wrecking yard | F | F | F | F | F |
| <u>Trade Uses</u> | | | | | |
| Carpenters shop | F | F | F | F | F |
| Electrician's shop | F | F | F | F | F |
| Machine shop | F | F | F | F | F |
| Photographer's studio | F | F | F | F | F |
| Plumber's shop | F | F | F | F | F |
| Radio/television repair | F | F | F | F | F |
| Upholsterer's shop | F | F | F | F | F |
| Welder's shop | F | F | F | F | F |

TABLE A - Continued

| | <u>One-Family (1F)</u> | <u>Two-Family (2F)</u> | <u>Three-Family (3F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|---|----------------------------|----------------------------|------------------------------|--|---|
| <u>Transportation Uses</u> | | | | | |
| Airport | F | F | F | F | F |
| Bus terminal | F | F | F | F | F |
| Garage with dispatch | F | F | F | F | F |
| Helicopter landing facility | F | F | F | F | F |
| Motor freight terminal | F | F | F | F | F |
| Rail freight terminal | F | F | F | F | F |
| Railroad passenger station | F | F | F | F | F |
| Water terminal | F | F | F | F | F |
| <u>Vehicular Uses</u> | | | | | |
| Bus servicing or storage | F | F | F | F | F |
| Carwash | F | F | F | F | F |
| Gasoline station | F | F | F | F | F |
| Indoor sale and installation of automotive parts | F | F | F | F | F |
| Indoor sale of automobiles and trucks | F | F | F | F | F |
| Outdoor sale of new and used vehicles | F | F | F | F | F |
| Parking garage | F | F | F | F | F |
| Parking lot | F | F | F | F | F |
| Rental agency for cars | F | F | F | F | F |
| Rental agency for trucks | F | F | F | F | F |
| Repair garage | F | F | F | F | F |
| Truck servicing or storage | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|---|--------------------|--------------------|----------------------|-------------------------------------|------------------------------------|
| <u>Wholesale Uses</u> | | | | | |
| Wholesale business | F | F | F | F | F |
| <u>Accessory and Ancillary Uses</u> | | | | | |
| In each subdistrict of the Jamaica Plain Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory. | | | | | |
| Accessory amusement game machines (not more than four) in commercial or non-commercial establishment | F | F | F | F | F |
| Accessory art use ⁽¹¹⁾ | A | A | A | A | A |
| Accessory automatic teller machine | F | F | F | F | A |
| Accessory bus servicing or storage | F | F | F | F | A |
| Accessory cafeteria | F | F | F | F | A |
| Accessory cultural uses | F | F | F | F | A |
| Accessory dormitory | F | F | F | F | A |
| Accessory drive-through restaurant | F | F | F | F | F |
| Accessory drive-through retail | F | F | F | F | F |
| Accessory family day care home | C | C | C | C | C |
| Accessory home occupation | A | A | A | A | A |
| Accessory industrial use | F | F | F | F | F |
| Accessory keeping of animals other than laboratory animals | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|--|--------------------|--------------------|----------------------|-------------------------------------|------------------------------------|
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | | |
| Accessory keeping of laboratory animals ⁽⁵⁾ | F | F | F | F | C |
| Accessory machine shop | F | F | F | F | A |
| Accessory manufacture of products | F | F | F | F | F |
| Accessory offices | F | F | F | F | A |
| Accessory outdoor cafe | F | F | F | F | C |
| Accessory parking | A | A | A | A | A |
| Accessory personnel quarters | F | F | F | C | A |
| Accessory printing | F | F | F | F | C |
| Accessory professional office in a dwelling | A | A | A | A ⁽¹¹⁾ | A |
| Accessory railroad storage yard | F | F | F | F | F |
| Accessory repair garage | F | F | F | F | C |
| Accessory retail | F | F | F | F | F |
| Accessory recycling | F | F | F | F | F |
| Accessory services for apartment and hotel residents | F | F | F | C | A |
| Accessory services incidental to educational uses other than a college or university use | F | F | F | F | A |
| Accessory service uses | F | F | F | F | A |
| Accessory storage of flammable liquids and gases | C | C | C | C | C |
| Small ⁽¹⁰⁾ | F | F | F | F | F |
| Large ⁽¹⁰⁾ | F | F | F | F | F |
| Accessory storage or transfer of toxic waste | F | F | F | F | F |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Three-Family (3F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|---|--------------------|--------------------|----------------------|-------------------------------------|------------------------------------|
| <u>Accessory and Ancillary Uses (cont'd)</u> | | | | | |
| Accessory swimming pool or tennis court ⁽¹²⁾ | A | A | A | A | A |
| Accessory trade use | F | F | F | F | C |
| Accessory truck servicing or storage | F | F | F | F | C |
| Accessory wholesale business | F | F | F | F | F |
| Ancillary use ⁽¹³⁾ | C | C | C | C | C |

1. Where designated "A" or "C," provided that such use is located on the ground floor, or in a basement with a separate entrance; otherwise forbidden.
2. Where designated "A," provided that such use does not occupy a total gross floor area exceeding fifty thousand (50,000) square feet; otherwise conditional.
3. "College or University," "Hospital," and "Nursing or Convalescent Home" (collectively, "Institutional Uses") are defined in Article 2A to include subuses (offices, parking, etc.) that also appear as main uses in this Table A. Pursuant to the provisions of Article 2A, the subuses of an Institutional Use are regulated as part of that Institutional Use and not as a separate main use or as an accessory or ancillary use. Where any portion of a Proposed Institutional Project is for Institutional subuses that are not High Impact Subuses, each Institutional subuse shall be allowed, conditional, or forbidden as provided in this Table A for the use category (other than an Institutional use) that most closely describes such subuse.
4. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.

TABLE A - Continued

5. Provided that any such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
6. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
7. Where designated "A," provided that such use is located entirely in those portions of a Building or Buildings for which a building permit was issued prior to the first notice of hearing before the Zoning Commission for the adoption of this Article.
8. A three-family detached dwelling may be permitted as a conditional use in a 2F-9000 Residential Subdistrict, provided that the dimensional requirements set forth in Table E of this Article are met.
9. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
10. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
11. Provided that art classes as part of an accessory art use are conditional in a Residential Subdistrict.
12. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
13. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisions and safeguards as the use to which is it ancillary.

TABLE B

**Jamaica Plain Neighborhood District
Use Regulations
Neighborhood Business Subdistricts**

Key: A = Allowed, C = Conditional, F = Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

| | <u>Local Convenience</u> | | <u>Neighborhood Shopping</u> | |
|---|--|---|--|---|
| | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> |
| <u>Banking and Postal Uses</u> | | | | |
| Automatic teller machine | C | F | A | F |
| Bank | C ⁶ | C | A | C |
| Drive-in bank | F | F | C | F |
| Post office | A | F | A | A |
| <u>Community Uses</u> | | | | |
| Adult education center | A | A ^{2,3,4} | C ¹⁵ | A |
| Community center | A | A ^{2,3,4} | A | A |
| Day care center | A | A | A | A |
| Day care center, elderly | A | A | A | A |
| Library | A | A | A | A |
| Place of worship; monastery; convent; parish house | A | A | A | A |
| <u>Cultural Uses</u> | | | | |
| Art gallery | A | A | A | A |
| Art use | A | C ⁶ | A | C ¹⁵ |
| Auditorium | F | F | C | C |

TABLE B - Continued

Neighborhood ShoppingLocal Convenience

Bsmt. & First Story

Second Story & Above

Bsmt. & First Story

Second Story & Above

Cultural Uses (cont'd)

| | | | | |
|---------------------------|--------------------|---|---|---|
| Cinema | F ^{5,7,8} | C | A | C |
| Concert hall | F ^{5,8} | C | C | C |
| Museum | A | A | A | A |
| Public art, display space | A | A | A | A |
| Studios, arts | C | C | C | A |
| Studios, production | C | C | C | A |
| Theatre | C | C | C | C |
| Ticket sales | A | C | A | C |

Dormitory/Fraternity Uses

Dormitory not accessory to a use
Fraternity

F F
F F

Educational Uses

College or university¹⁰
Elementary or secondary school¹¹
Kindergarten
Professional school
Trade school

F A⁹
A⁹ A⁹
A⁹ A⁹
A⁹ A⁹

F C
C C
A A
A A

Entertainment and Recreational Uses

Adult entertainment
Amusement game machines in
commercial establishment

F F
C C

F F

TABLE B - Continued

| | <u>Local Convenience</u> | | <u>Neighborhood Shopping</u> | |
|--|--------------------------------|---------------------------------|--------------------------------|---------------------------------|
| | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> |
| <u>Entertainment and Recreational Uses (cont'd)</u> | | | | |
| Amusement game machines in non-commercial establishment | C | C | C | C |
| Bar ¹² | C | F | C | F |
| Bar with live entertainment ¹² | C | F | C | F |
| Bowling alley | F | F | C | F |
| Billiard parlor | C | F | C | F |
| Dance hall | F | F | A | A |
| Drive-in theatre | F | F | C | F |
| Fitness center or gymnasium | A | F | F | F |
| Private club not serving alcohol | C | A | A | A |
| Private club serving alcohol | C | C | C | C |
| Restaurant with live entertainment, not operating after 10:30 p.m. ¹² | C | C | A | C |
| Restaurant with live entertainment operating after 10:30 p.m. ¹² | C | C | C | C |
| <u>Funerary Uses</u> | | | | |
| Cemetery | F | F | F | F |
| Columbarium | F | F | F | F |
| Crematory | F | F | F | F |
| Funeral home | A | A | A | A |
| Mortuary chapel | F | F | F | F |

TABLE B - Continued

Neighborhood ShoppingLocal ConvenienceBsmt.
& First
StorySecond
Story &
AboveSecond
Story &
AboveHealth Care Uses

Clinic
 Clinical laboratory
 Custodial care facility
 Group care residence, general
 Hospital¹⁰
 Nursing or convalescent home¹⁰

C
C
F
F
F
FC
C
C
F
F
CA
F¹³
F¹³
F
F
CA
C
C
F
F
CHotel and Conference Center Uses

Bed and breakfast
 Conference center
 Executive suites
 Hotel
 Motel

C
F
F
F
FC
F
F
F
FC
F
F
F
FC
F
F
F
FIndustrial Uses

Artists' mixed-use
 Cleaning plant
 General manufacturing use
 Light manufacturing use
 Printing plant
 Restricted industrial use

F
F
F
F
F
FA
F
F
F
F
FF
F
F
F
F
FA
F
F
F
F
F

TABLE B - Continued

Neighborhood ShoppingLocal Convenience

| Bsmt. & First Story | Second Story & Above | Bsmt. & First Story | Second Story & Above |
|---------------------------|----------------------------|---------------------------|----------------------------|
|---------------------------|----------------------------|---------------------------|----------------------------|

Office Uses

Agency or professional office
General office
Office of wholesale business

Open Space Uses

Golf driving range
Grounds for sports, private
Open space
Open space recreational building
Outdoor place of recreation for profit
Stadium

Public Service Uses

Automatic telephone exchange¹¹
Courthouse¹¹
Fire station¹¹
Penal institution
Police station¹¹
Pumping station¹¹
Recycling facility (excluding toxic waste)
Solid waste transfer station
Sub-station¹¹
Telephone exchange

| | | | |
|--------------------|---|--------------------|---|
| A | A | A | A |
| A ^{17,18} | A | A ^{17,18} | A |
| F ² | A | F ¹⁵ | A |

| | | | |
|---|---|---|---|
| F | F | F | F |
| F | F | F | F |
| A | A | A | A |
| A | A | A | A |
| F | F | F | F |
| F | F | F | F |

| | | | |
|---|---|---|---|
| F | C | F | C |
| C | C | C | C |
| A | A | A | A |
| F | F | F | F |
| A | A | A | A |
| F | F | F | F |
| F | F | F | F |
| F | F | F | F |
| F | F | F | F |
| F | C | F | C |

TABLE B - Continued

| | <u>Local Convenience</u> | | <u>Neighborhood Shopping</u> | |
|--|--------------------------------|---------------------------------|--------------------------------|---------------------------------|
| | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> |
| <u>Research and Development Uses</u> ¹⁹ | | | | |
| Research laboratory | F ^{3,4} | C | F | C |
| Product development or prototype manufacturing | F ^{3,4} | C | F | C |
| <u>Residential Uses</u> | | | | |
| Congregate living complex | C | A | F | A |
| Elderly housing | C | A | F | A |
| Group residence, limited | C | A | F | A |
| Lodging house | F | C | F | C |
| Mobile home | F | F | F | F |
| Mobile home park | F | F | F | F |
| Multi-family dwelling | C | A | F | A |
| One family detached dwelling | F | A | F | C |
| One family semi-attached dwelling | F | A | F | C |
| Orphanage | C | C | F | C |
| Rowhouse | C | A | F | C |
| Temporary dwelling structure | F | F | F | F |
| Three family detached dwelling | F | A | F | C |
| Townhouse | C | A | F | C |
| Transitional housing or homeless shelter | C | C | C | C |
| Two family detached dwelling | F | A | F | C |
| Two family semi-attached dwelling | F | A | F | C |

TABLE B - Continued

| | <u>Local Convenience</u> | | <u>Neighborhood Shopping</u> | |
|-----------------------------------|--------------------------------|---------------------------------|--------------------------------|---------------------------------|
| | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> |
| <u>Restaurant Uses</u> | | | | |
| Drive-in restaurant | F | F | F | F |
| Restaurant | A | C | A | A |
| Take-out restaurant | | | | |
| Small ²⁰ | F | F | C | F |
| Large ²⁰ | F | F | C | F |
| <u>Retail Uses</u> ²¹ | | | | |
| Adult bookstore | F | F | F | F |
| Bakery | A | C | A | C |
| General retail business | F | F | A | A |
| Liquor store | C | F | C | F |
| Local retail business | A | C | A | A |
| Outdoor sale of garden supplies | A | F | A | F |
| <u>Service Uses</u> ²¹ | | | | |
| Animal hospital | C | F | A ²² | C |
| Barber or beauty shop | A | F | A | A |
| Caterer's establishment | A | F | A | A |
| Dry-cleaning shop | A | F | A | A |
| Kennel | F | F | F | F |
| Laundry, retail service | A | F | A | F |
| Laundry, self-service | A | F | A | F |
| Photocopying establishment | A | C | A | A |
| Shoe repair | A | C | A | A |
| Tailor shop | A | C | A | A |

TABLE B - Continued

| | <u>Local Convenience</u> | | <u>Neighborhood Shopping</u> | |
|---|--------------------------------|---------------------------------|--------------------------------|---------------------------------|
| | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> |
| <u>Storage Uses, Major</u> | | | | |
| Enclosed storage of solid fuel or minerals | F | F | F | F |
| Outdoor storage of solid fuel or minerals | F | F | F | F |
| Outdoor storage of new materials | F | F | F | F |
| Outdoor storage of damaged or disabled vehicles | F | F | F | F |
| Outdoor storage of junk and scrap | F | F | F | F |
| Storage of flammable liquids and gases | | | | |
| Small ²³ | F | F | F | F |
| Large ²³ | F | F | F | F |
| Storage or transfer of toxic waste | F | F | F | F |
| Warehousing | F | F | F | F |
| Wrecking yard | F | F | F | F |
| <u>Trade Uses²¹</u> | | | | |
| Carpenters shop | C | C | C | A |
| Electrician's shop | C | C | C | A |
| Machine shop | C | C | C | A |
| Photographer's studio | A | C | A | A |
| Plumber's shop | C | C | C | A |
| Radio/television repair | A | C | A | A |
| Upholsterer's shop | A | C | A | A |
| Welder's shop | F | F | F | F |

TABLE B - Continued

Neighborhood Shopping

| <u>Local Convenience</u> | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> |
|--------------------------|--------------------------------|---------------------------------|--------------------------------|---------------------------------|
|--------------------------|--------------------------------|---------------------------------|--------------------------------|---------------------------------|

Transportation Uses

| | | | | |
|-----------------------------|---|---|---|---|
| Airport | F | F | F | F |
| Bus terminal | F | F | F | F |
| Garage with dispatch | F | F | F | F |
| Helicopter landing facility | F | F | F | F |
| Motor freight terminal | F | F | F | F |
| Rail freight terminal | F | F | F | F |
| Railroad passenger station | F | F | F | F |
| Water terminal | F | F | F | F |

Vehicular Uses

| | | | | |
|--|---|---|---|---|
| Bus servicing or storage | F | F | F | F |
| Carwash ²⁴ | F | F | C | F |
| Gasoline station ²⁴ | F | F | C | F |
| Indoor sale and installation of automotive parts | F | F | C | F |
| Indoor sale of automobiles and trucks | F | F | C | F |
| Outdoor sale of new and used vehicles | F | F | C | F |
| Parking garage | C | C | C | C |
| Parking lot | C | C | C | C |
| Rental agency for cars | F | F | C | F |
| Rental agency for trucks | F | F | C | F |
| Repair garage | F | F | F | F |
| Truck servicing or storage | F | F | F | F |

TABLE B - Continued

Local Convenience

Bsmt.
& First
Story

Second
Story &
Above

Bsmt.
& First
Story

Second
Story &
Above

Wholesale Uses

Wholesale business

F²

F

F

Accessory and Ancillary Uses

In each subdistrict of the Jamaica Plain Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines (not more than four) in commercial or non-commercial establishment

Accessory art use

Accessory automatic teller machine

Accessory bus servicing or storage

Accessory cafeteria

Accessory cultural use

Accessory dormitory

Accessory drive-through restaurant

Accessory drive-through retail

Accessory family daycare home

Accessory home occupation

Accessory industrial use

Accessory keeping of animals other than laboratory animals

C

F

C

F

A

A

A

A

A

F

A

F

F³

F

F

F

A

A

A

A

A

A

A

A

F

F

F

F

F

F

F

F

A

A

A

A

A

A

A

A

F

F

F

F

F

F

F

F

F

F

C

F

TABLE B - Continued

Neighborhood ShoppingLocal Convenience

Bsmt.
& First
Story

Second
Story &
Above

Bsmt.
& First
Story

Second
Story &
Above

Accessory and Ancillary Uses (cont'd)

| | | | |
|--|----------------|---|---|
| Accessory keeping of laboratory animals ¹⁹ | F | F | F |
| Accessory machine shop | A | A | A |
| Accessory manufacture of products | F | F | F |
| Accessory offices | A | A | A |
| Accessory offices for university | F | F | F |
| Accessory outdoor cafe ²⁵ | A | F | F |
| Accessory parking | A | F | F |
| Accessory personnel quarters | F | C | C |
| Accessory printing | A | A | A |
| Accessory professional office in a dwelling | A | A | A |
| Accessory railroad storage yard | F | F | F |
| Accessory recycling | C | C | C |
| Accessory repair garage | F ¹ | F | F |
| Accessory retail | A | A | A |
| Accessory service uses | A | A | A |
| Accessory services for apartment and hotel residents | A | A | A |
| Accessory services incidental to educational uses other than college or university use | F | F | F |
| Accessory storage of flammable liquids and gases | A | A | A |
| Small ²³ | C | C | C |
| Large ²³ | F | F | F |

TABLE B - Continued

Neighborhood ShoppingLocal Convenience

| | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> | <u>Bsmt. & First Story</u> | <u>Second Story & Above</u> |
|---|--------------------------------|---------------------------------|--------------------------------|---------------------------------|
| Accessory storage or transfer of toxic waste | F | F | F | F |
| Accessory swimming pool or tennis court ²⁶ | A | A | A | A |
| Accessory trade use | A | A | A | A |
| Accessory truck servicing or storage | F | F | F | F |
| Accessory wholesale business | C | F | C | F |
| Ancillary use ²⁷ | C | C | C | C |

Accessory and Ancillary Uses (cont'd)

1. Except A in Eggleston Square Neighborhood Shopping Subdistrict.
2. Except C in Green Street Local Convenience Subdistrict.
3. Except C in Hyde Park Avenue Local Convenience Subdistrict.
4. Except C in Morton Street Local Convenience Subdistrict.
5. Except C in Hyde Square Local Convenience Subdistrict.
6. Except A in Hyde Square Local Convenience Subdistrict.

TABLE B - Continued

7. Except A in Centre Street Local Convenience Subdistrict.
8. Except C in Centre Street Local Convenience Subdistrict.
9. Except F in Green Street, Hyde Park Avenue, and Morton Street Local Convenience Subdistricts.
10. "College or University," "Hospital," and "Nursing or Convalescent Home" (collectively, "Institutional Uses") are defined in Article 2A to include subuses (offices, parking, etc.) that also appear as main uses in this Table A. Pursuant to the provisions of Article 2A, the subuses of an Institutional Use are regulated as part of that Institutional Use and not as a separate main use or an accessory or ancillary use. Where any portion of a Proposed Institutional Project is for Institutional subuses that are not High Impact Subuses, each Institutional subuse shall be allowed, conditional, or forbidden as provided in this Table B for the use category (other than an Institutional use) that most closely describes such subuse.
11. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
12. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
13. Except C in Hyde Square Neighborhood Shopping Subdistrict.
14. Except F in Hyde Square Neighborhood Shopping Subdistrict.
15. Except A in Hyde Square Neighborhood Shopping Subdistrict.
16. Except A in Centre Street Neighborhood Shopping Subdistrict.
17. Except F in Centre Street Local Convenience Subdistrict.
18. Except F in Hyde Square Local Convenience Subdistrict.

TABLE B - Continued

19. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
20. Small: total gross floor area not exceeding 2,500 square feet per restaurant; Large: total gross floor area exceeding 2,500 square feet per restaurant.
21. Where a Retail, Service, or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
22. Except C in Egleston Square Neighborhood Shopping Subdistrict.
23. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
24. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
25. Except conditional in Rear Yard abutting a Residential Subdistrict.
26. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
27. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

TABLE C

**Jamaica Plain Neighborhood District
Use Regulations**

Local Industrial Subdistricts and Industrial Development Areas

Key: A = Allowed, C = Conditional, F = Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

| | Local Industrial Subdistrict | Industrial Development Area |
|---|------------------------------------|-----------------------------------|
| <u>Banking and Postal Uses</u> | | |
| Automatic teller machine | A | A |
| Bank | A' | A' |
| Drive-in bank | A' | A' |
| Post office | A | A |
| <u>Community Uses</u> | | |
| Adult education center | A | A |
| Community center | A | A |
| Day care center | C | A |
| Day care center, elderly | C | A |
| Library | C | A |
| Place of worship; monastery; convent; parish house | A | A |
| <u>Cultural Uses</u> | | |
| Art gallery | A | C |
| Art use | A | C |
| Auditorium | F | C |

TABLE C - Continued

| | Local Industrial Subdistrict | Industrial Development Area |
|---|------------------------------------|-----------------------------------|
| <u>Cultural Uses (cont'd)</u> | | |
| Cinema | C | C |
| Concert hall | F | C |
| Museum | C | C |
| Public art, display space | A | A |
| Studios, arts | A | A |
| Studios, production | A | A |
| Theatre | A | A |
| Ticket sales | A | A |
| <u>Dormitory/Fraternity Uses</u> | | |
| Dormitory not accessory to a use | F | F |
| Fraternity | F | F |
| <u>Educational Uses</u> | | |
| College or university ² | F | F |
| Elementary or secondary school ³ | F | F |
| Kindergarten | F | F |
| Professional school | A | F |
| Trade school | A | F |
| <u>Entertainment and Recreational Uses</u> | | |
| Adult entertainment | F | F |
| Amusement game machines in commercial establishment | C | F |

TABLE C - Continued

| | Local Industrial Subdistrict | Industrial Development Area |
|--|------------------------------------|-----------------------------------|
| <u>Entertainment and Recreational Uses (cont'd)</u> | | |
| Amusement game machines in non-commercial establishment | C | F |
| Bar ⁴ | A | F |
| Bar with live entertainment ⁴ | C | F |
| Bowling alley | A | F |
| Billiard parlor | A | F |
| Dance hall | C | F |
| Drive-in theatre | F | F |
| Fitness center or gymnasium | C | F ^s |
| Private club not serving alcohol | F | C |
| Private club serving alcohol | F | F |
| Restaurant with live entertainment, not operating after 10:30 p.m. ⁴ | A | F |
| Restaurant with live entertainment operating after 10:30 p.m. ⁴ | C | F |
| <u>Funerary Uses</u> | | |
| Cemetery | F | F |
| Columbarium | F | F |
| Crematory | F | F |
| Funeral home | F | F |
| Mortuary chapel | F | F |
| <u>Health Care Uses</u> | | |
| Clinic | A | C |
| Clinical laboratory | C | A |

TABLE C - Continued

| | Local Industrial Subdistrict | Industrial Development Area |
|---|------------------------------------|-----------------------------------|
| <u>Health Care Uses (cont'd)</u> | | |
| Custodial care facility | C | F |
| Group care residence, general | F | F |
| Hospital ² | F | F |
| Nursing or convalescent home ² | F | F |
| <u>Hotel and Conference Center Uses</u> | | |
| Bed and breakfast | F | F |
| Conference center | F | F ⁵ |
| Executive suites | F | C ⁶ |
| Hotel | F | C |
| Motel | F | C |
| <u>Industrial Uses</u> | | |
| Artists' mixed-use | A | A |
| Cleaning plant | A | A |
| General manufacturing use | A | A |
| Light manufacturing use | A | A |
| Printing plant | A | A |
| Restricted industrial use | F | F |
| <u>Office Uses</u> | | |
| Agency or professional office | A ⁷ | A |
| General office | A ⁷ | A |
| Office of wholesale business | A ⁷ | A |

TABLE C - Continued

| | Local Industrial Subdistrict | Industrial Development Area |
|--|------------------------------------|-----------------------------------|
| <u>Open Space Uses</u> | | |
| Golf driving range | F | F |
| Grounds for sports, private | C | C |
| Open space | A | A |
| Open space recreational building | A | A |
| Outdoor place of recreation for profit | C | C |
| Stadium | F | F |
| <u>Public Service Uses</u> | | |
| Automatic telephone exchange ³ | A | A |
| Courthouse ³ | A | A |
| Fire station ³ | A | A |
| Penal institution | F | F |
| Police station ³ | A | A |
| Pumping station ³ | A | A |
| Recycling facility (excluding toxic waste) | A | C |
| Solid waste transfer station | F | F |
| Sub-station ³ | A | A |
| Telephone exchange | A | A |
| <u>Research and Development Uses⁸</u> | | |
| Research laboratory | A | A |
| Product development or prototype manufacturing | A | A |

TABLE C - Continued

| | Local Industrial Subdistrict | Industrial Development Area |
|--|------------------------------------|-----------------------------------|
| <u>Residential Uses</u> | | |
| Congregate living complex | F | F |
| Elderly housing | F | F |
| Group residence, limited | F | F |
| Lodging house | F | F |
| Mobile home | F | F |
| Mobile home park | F | F |
| Multi-family dwelling | F | F |
| One family detached dwelling | F | F |
| One family semi-attached dwelling | F | F |
| Orphanage | F | F |
| Rowhouse | F | F |
| Temporary dwelling structure | F | F |
| Three family detached dwelling | F | F |
| Townhouse | F | F |
| Transitional housing or homeless shelter | F | F |
| Two family detached dwelling | F | F |
| Two family semi-attached dwelling | F | F |
| <u>Restaurant Uses</u> | | |
| Drive-in restaurant | F | F |
| Restaurant | A | A |
| Take-out restaurant | | |
| Small ⁹ | C | C |
| Large ⁹ | C | C |

TABLE C - Continued

| | Local Industrial Subdistrict | Industrial Development Area |
|---|------------------------------------|-----------------------------------|
| <u>Retail Uses</u> ¹⁰ | | |
| Adult bookstore | F | F |
| Bakery | A | A |
| General retail business | C | C |
| Liquor store | C | F |
| Local retail business | A | A |
| Outdoor sale of garden supplies | A | A |
| <u>Service Uses</u> ¹⁰ | | |
| Animal hospital | F | A |
| Barber or beauty shop | A ¹ | A |
| Caterer's establishment | A | A |
| Dry-cleaning shop | A ¹ | A |
| Kennel | A | A |
| Laundry, retail service | A ¹ | A |
| Laundry, self-service | A | A |
| Photocopying establishment | A | A |
| Shoe repair | A ¹ | A |
| Tailor shop | A ¹ | A |
| <u>Storage Uses, Major</u> | | |
| Enclosed storage of solid fuel or minerals | F | C ¹² |
| Outdoor storage of solid fuel or minerals | F | C ¹² |
| Outdoor storage of new materials | F ¹¹ | C ¹² |
| Outdoor storage of damaged or disabled vehicles | C | C ¹² |
| Outdoor storage of junk and scrap | F ¹¹ | C ¹² |

Storage Uses, Major (cont'd)

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TABLE C - Continued

| | Local Industrial Subdistrict | Industrial Development Area |
|---|------------------------------------|-----------------------------------|
| <u>Transportation Uses (cont'd)</u> | | |
| Railroad passenger station | C | C |
| Water terminal | F | F |
| <u>Vehicular Uses</u> | | |
| Bus servicing or storage | C | A |
| Carwash ¹⁴ | A ¹⁵ | A ¹⁵ |
| Gasoline station ¹⁴ | A ¹⁵ | A ¹⁵ |
| Indoor sale and installation of automotive parts | A | A |
| Indoor sale of automobiles and trucks | A | C |
| Outdoor sale of new and used vehicles | A | A |
| Parking garage | A | A ⁵ |
| Parking lot | A | C |
| Rental agency for cars | C | A ⁵ |
| Rental agency for trucks | C | A ⁵ |
| Repair garage | A ¹⁵ | A ⁵ |
| Truck servicing or storage | C | A ⁵ |
| <u>Wholesale Uses</u> | | |
| Wholesale business | A | A |

Accessory and Ancillary Uses

Accessory amusement game machines

| | |
|--|---|
| (not more than four) in commercial or non-commercial establishment | A |
| Accessory art use | A |
| Accessory automatic teller machine | A |
| Accessory bus servicing or storage | A |
| Accessory cafeteria | A |
| Accessory cultural use | A |
| Accessory dormitory | F |
| Accessory drive-through restaurant | F |
| Accessory drive-through retail | F |
| Accessory family daycare home | F |
| Accessory home occupation | F |
| Accessory industrial use | A |
| Accessory keeping of animals other than laboratory animals | C |
| Accessory keeping of laboratory animals ⁸ | F |
| Accessory machine shop | A |
| Accessory manufacture of products | A |
| Accessory offices | A |
| Accessory offices for university | F |
| Accessory outdoor cafe ¹⁶ | A |

TABLE C - Continued

| | Local Industrial Subdistrict | Industrial Development Area |
|--|------------------------------------|-----------------------------------|
| <u>Accessory and Ancillary Uses (cont'd)</u> | | |
| Accessory parking | A | A |
| Accessory personnel quarters | F | C |
| Accessory printing | A | A |
| Accessory professional office in a dwelling | F | F |
| Accessory railroad storage yard | F | C |
| Accessory recycling | A | A |
| Accessory repair garage | C | A |
| Accessory retail | A | A |
| Accessory service uses | A | A |
| Accessory services for apartment and hotel residents | A | A |
| Accessory services incidental to educational uses other than college or university use | C | C |
| Accessory storage of flammable liquids and gases | A | A |
| Small ¹³ | C | A |
| Large ¹³ | F | F |
| Accessory storage or transfer of toxic waste | A | A |
| Accessory swimming pool or tennis court ¹⁷ | A | A |
| Accessory trade use | A | A |
| Accessory truck servicing or storage | C | A |

TABLE C - Continued

| Local Industrial Subdistrict | Industrial Development Area |
|------------------------------------|-----------------------------------|
|------------------------------------|-----------------------------------|

Accessory and Ancillary Uses (cont'd)

Accessory wholesale business
Ancillary use¹⁸

| | |
|---|---|
| A | A |
| C | C |

1. Where designated "A," provided that the total gross floor area does not exceed one thousand (1,000) square feet per use; otherwise conditional.
2. "College or University," "Hospital," and "Nursing or Convalescent Home" (collectively, "Institutional Uses") are defined in Article 2A to include subuses (offices, parking, etc.) that also appear as main uses in this Table C. Pursuant to the provisions of Article 2A, the subuses of an Institutional Use are regulated as part of that Institutional Use and not as a separate main use or an accessory or ancillary use. Where any portion of a Proposed Institutional Project is for Institutional subuses that are not High Impact Subuses, each Institutional subuse shall be allowed, conditional, or forbidden as provided in this Table C for the use category (other than an Institutional use) that most closely describes such subuse.
3. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
4. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
5. Except C in the Arborway IDA.
6. Except A in the Arborway IDA.

TABLE C - Continued

7. Provided that such use shall not exceed forty percent (40%) of the gross floor area allowed within a Lot.
8. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
9. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
10. Where a Retail, Service, or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors, or if such establishment is open to the public after midnight or before 6:00 a.m.
11. Except C in the Amory Street Local Industrial Subdistrict.
12. Except F in the Arborway IDA.
13. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
14. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
15. Except conditional if within one hundred (100) feet of a Residential Subdistrict.
16. Except conditional in Rear Yard abutting a Residential Subdistrict.
17. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate which is locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
18. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

TABLE D

**Jamaica Plain Neighborhood District
Use Regulations
Institutional Subdistricts**

Key: A=Allowed, C=Conditional, F=Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

**Neighborhood
Institutional
Subdistricts**

Banking and Postal Uses

Automatic teller machine
Bank
Drive-in bank
Post office

A
F
F
A

Community Uses

Adult education center
Community center
Day care center
Day care center, elderly
Library
Place of worship; monastery;
convent; parish house

A
A
A
A
A
A

TABLE D - Continued

Neighborhood
Institutional
Subdistricts

Cultural Uses

| | |
|---------------------------|---|
| Art gallery | A |
| Art use | C |
| Auditorium | C |
| Cinema | F |
| Concert hall | F |
| Museum | A |
| Public art, display space | A |
| Studios, arts | C |
| Studios, production | C |
| Theatre | C |
| Ticket sales | C |

Dormitory and Fraternity Uses

| | |
|----------------------------------|---|
| Dormitory not accessory to a use | F |
| Fraternity | F |

Educational Uses

| | |
|---|---|
| College or university ^{1,2} | C |
| Elementary or secondary school ³ | A |
| Kindergarten | A |
| Professional school | C |
| Trade school | C |

TABLE D - Continued

Neighborhood
Institutional
Subdistricts

Entertainment and Recreational Uses

| | |
|--|---|
| Adult entertainment | F |
| Amusement game machines in commercial establishment | F |
| Amusement game machines in non-commercial establishment | F |
| Bar | F |
| Bar with live entertainment | F |
| Bowling alley | F |
| Billiard parlor | F |
| Dance hall | F |
| Drive-in theatre | F |
| Fitness center or gymnasium | A |
| Private club not serving alcohol | F |
| Private club serving alcohol | F |
| Restaurant with live entertainment, not operating after 10:30 p.m. | F |
| Restaurant with live entertainment, operating after 10:30 p.m. | F |

Funerary Uses

| | |
|-----------------|---|
| Cemetery | F |
| Columbarium | F |
| Crematory | F |
| Funeral home | A |
| Mortuary chapel | C |

TABLE D - Continued

Neighborhood
Institutional
Subdistricts

Health Care Uses

Clinic
Clinical laboratory
Custodial care facility
Group residence, general
Hospital^{1,2}
Nursing or convalescent home^{1,2}

A
A
C
C
A
A

Hotel and Conference Center Uses

Bed and breakfast
Conference center
Executive suites
Hotel
Motel

A
F
F
F
F
F

Industrial Uses

Artists' mixed-use
Cleaning plant
General manufacturing use
Light manufacturing use
Printing plant
Restricted industrial use

F
F
F
F
F
F

TABLE D - Continued

Neighborhood
Institutional
Subdistricts

Office Uses

Agency or professional office
General office
Office of wholesale business

F
F
F

Open Space Uses

Golf driving range
Grounds for sports, private
Open space
Open space recreational building
Outdoor place of recreation for profit
Stadium

F
C
A
C
F
F

Public Service Uses

Automatic telephone exchange³
Courthouse³
Fire station³
Penal institution
Police station³
Pumping station³
Recycling facility (excluding toxic waste)
Solid waste transfer station
Sub-station³
Telephone exchange

C
C
A
F
A
C
F
F
C
F

TABLE D - Continued

Neighborhood
Institutional
Subdistricts

Research and Development Uses⁴

Research laboratory
Product development or prototype manufacturing

A
F

Residential Uses⁵

Congregate living complex
Elderly housing
Group Residence, Limited
Lodging house
Mobile home
Mobile home park
Multi-family dwelling
One family detached dwelling
One family semi-attached dwelling
Orphanage
Rowhouse
Temporary dwelling structure
Three family detached dwelling
Townhouse
Transitional housing or homeless shelter
Two family detached dwelling
Two family semi-attached dwelling

C
A
A
C
F
F
A
A
A
A
A
A
C
A
A
C
A
A

TABLE D - Continued

Neighborhood
Institutional
Subdistricts

Restaurant Uses

| | |
|---------------------|---|
| Drive-in restaurant | F |
| Restaurant | F |
| Take-out restaurant | |
| Small ⁶ | F |
| Large ⁶ | F |

Retail Uses

| | |
|---------------------------------|---|
| Adult bookstore | F |
| Bakery | F |
| General retail business | F |
| Liquor store | F |
| Local retail business | F |
| Outdoor sale of garden supplies | F |

Service Uses

| | |
|----------------------------|----------------|
| Animal hospital | A ² |
| Barber or beauty shop | F |
| Caterer's establishment | F |
| Dry-cleaning shop | F |
| Kennel | F |
| Laundry, retail service | F |
| Laundry, self-service | F |
| Photocopying establishment | F |
| Shoe repair | F |
| Tailor shop | F |

TABLE D - Continued

Neighborhood
Institutional
Subdistricts

Storage Uses, Major

Enclosed storage of solid fuel or minerals
Outdoor storage of solid fuel or minerals
Outdoor storage of new materials
Outdoor storage of damaged or disabled vehicles
Outdoor storage of junk and scrap
Storage of flammable liquids and gases
 Small⁷
 Large⁷
Warehousing
Wrecking yard

F
F
F
F
F

F
F
F
F

Trade Uses

Carpenters shop
Electrician's shop
Machine shop
Photographer's studio
Plumber's shop
Radio/television repair
Upholsterer's shop
Welder's shop

F
F
F
F
F
F
F
F

Transportation Uses

Airport
Bus terminal
Garage with dispatch
Helicopter landing facility

F
F
F
F

TABLE D - Continued

Neighborhood
Institutional
Subdistricts

Transportation Uses (cont'd)

| | |
|----------------------------|---|
| Motor freight terminal | F |
| Rail freight terminal | F |
| Railroad passenger station | F |
| Water terminal | F |

Vehicular Uses

| | |
|--|---|
| Bus servicing or storage | F |
| Carwash | F |
| Gasoline station | F |
| Indoor sale and installation of automotive parts | F |
| Indoor sale of automobiles and trucks | F |
| Outdoor sale of new and used vehicles | F |
| Parking garage | F |
| Parking lot | F |
| Rental agency for cars | F |
| Rental agency for trucks | F |
| Repair garage | F |
| Truck servicing or storage | F |

Wholesale Uses

| | |
|--------------------|---|
| Wholesale business | F |
|--------------------|---|

TABLE D - Continued

Neighborhood
Institutional
Subdistricts

Accessory and Ancillary Uses

In each subdistrict of the Jamaica Plain Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table D and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines (not more than four) in commercial or non-commercial establishment

Accessory art use

Accessory automatic teller machine

Accessory bus servicing or storage

Accessory cafeteria

Accessory cultural uses

Accessory dormitory

Accessory drive-through restaurant

Accessory drive-through retail

Accessory family day care home

Accessory home occupation

Accessory industrial use

Accessory keeping of animals other than laboratory animals

Accessory keeping of laboratory animals⁴

Accessory machine shop

Accessory manufacture of products

Accessory offices

Accessory outdoor cafe

Accessory parking

F A A C A A C F F A A F F A F A F F A A A

TABLE D - Continued

Neighborhood
Institutional
Subdistricts

Accessory and Ancillary Uses (cont'd)

| | |
|--|---|
| Accessory personnel quarters | A |
| Accessory printing | A |
| Accessory professional office in a dwelling | A |
| Accessory railroad storage yard | F |
| Accessory repair garage | F |
| Accessory retail | F |
| Accessory recycling | F |
| Accessory services for apartment and hotel residents | C |
| Accessory services incidental to educational uses other than a college or university use | A |
| Accessory service uses | F |
| Accessory storage of flammable liquids and gases | |
| Small ⁷ | A |
| Large ⁷ | C |
| Accessory storage or transfer of toxic waste | A |
| Accessory swimming pool or tennis court ⁸ | A |
| Accessory trade use | F |
| Accessory truck servicing or storage | C |
| Accessory wholesale business | F |
| Ancillary use ⁹ | C |

1. "College or University," "Hospital," and "Nursing or Convalescent Home" (collectively, "Institutional Uses") are defined in Article 2A to include subuses (offices, parking, etc.) that also appear as main uses in this Table D. Pursuant to the provisions of Article 2A, the subuses of an Institutional Use are regulated as part of that Institutional Use and not as a separate main use or as an accessory or ancillary use.

TABLE D - Continued

2. Where an Institutional Use is designated "A," a Proposed Institutional Project for such use is allowed, provided that such Proposed Institutional Project does not result in the addition of an aggregate gross floor area of fifty thousand (50,000) or more square feet, and provided further that such area is not a phase of another Proposed Institutional Project; otherwise conditional.
3. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
4. Provided that any such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
6. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
7. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
8. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate which is locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
9. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

TABLE E
Jamaica Plain Neighborhood District
Residential Subdistricts Dimensional Regulations

| One-Family Residential Subdistrict | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq. Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq. Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ⁽²⁾ Maximum Stories | Usable Open Space ⁽³⁾ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁽⁴⁾ Minimum Depth (Feet) | Side Yard ⁽⁵⁾ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|------------------------------------|--|---|--------------------------|-----------------------------|--------------------------|--|--|--|---|--------------------------------|--|
| | | | | | | | | | | | |
| 1F-3,000 ⁽¹⁾ | 3,000 | N/A | 40 | 40 | 0.6 | 2-1/2 | 750 | 15 | (6) | 20 | 25 |
| | 3,000 | N/A | 40 | 40 | 0.6 | 2-1/2 | 750 | 15 | 10 | 20 | 25 |
| 1F-4,000 ⁽¹⁾ | 4,000 | N/A | 45 | 45 | 0.6 | 2-1/2 | 1,000 | 20 | 10 | 20 | 25 |
| | 4,000 | N/A | 45 | 45 | 0.6 | 2-1/2 | 1,000 | 20 | 10 | 20 | 25 |
| 1F-5,000 ⁽¹⁾ | 5,000 | N/A | 50 | 50 | 0.5 | 2-1/2 | 1,250 | 20 | 10 | 20 | 25 |
| | 5,000 | N/A | 50 | 50 | 0.5 | 2-1/2 | 1,250 | 20 | 10 | 20 | 25 |

TABLE E - Continued

| One-Family Residential Subdistrict | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ⁽²⁾ Maximum Stories | Usable Open Space ⁽³⁾ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁽⁴⁾ Minimum Depth (Feet) | Side Yard ⁽⁵⁾ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|--|--|--|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| | | | | | | | | | | | |
| 1F-6,000 ⁽¹⁾ | | | | | | | | | | | |
| 1 Family Detached | 6,000 | N/A | 60 | 60 | 0.4 | 2-1/2 | 1,800 | 20 | 10 | 20 | 25 |
| Other Use | 6,000 | N/A | 60 | 60 | 0.4 | 2-1/2 | 1,800 | 20 | 10 | 20 | 25 |
| 1F-9,000 ⁽¹⁾ | | | | | | | | | | | |
| 1 Family Detached | 9,000 | N/A | 70 | 70 | 0.3 | 2-1/2 | 2,000 | 25 | 12 | 40 | 25 |
| Other Use | 9,000 | N/A | 70 | 70 | 0.3 | 2-1/2 | 2,000 | 25 | 12 | 20 | 25 |

TABLE E - Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq. Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq. Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ⁽²⁾ Maximum Stories | Usable Open Space ⁽³⁾ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁽⁴⁾ Minimum Depth (Feet) | Side Yard ⁽⁵⁾ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|---|---|---|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| Two-Family Residential Subdistrict | | | | | | | | | | | |
| <u>2F-4,000⁽¹⁾</u> | | | | | | | | | | | |
| 1 Family Detached or Semi-Attached or 2 Family Detached | 3,000 for 1 unit | 1,000 ⁽¹⁾ | 40 | 40 | 0.6 | 2-1/2 | 600 for 1 unit plus 200 for each addit'l unit | 15 | 10 | 20 | 25 |
| Other Use | 4,000 | N/A | 50 | 50 | 0.6 | 2-1/2 | 800 per lot | 15 | 10 | 20 | 20 |
| <u>2F-5,000⁽¹⁾</u> | | | | | | | | | | | |
| 1 Family Detached or Semi-Attached or 2 Family Detached | 3,000 for 1 unit | 2,000 | 45 | 45 | 0.6 | 2-1/2 | 750 for 1 unit plus 500 for each addit'l unit | 15 | 10 | 20 | 25 |
| Other Use | 5,000 | N/A | 45 | 45 | 0.6 | 2-1/2 | 1,250 per lot | 15 | 10 | 20 | 25 |

TABLE E- Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ⁽²⁾ Maximum Stories | Usable Open Space ⁽³⁾ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁽⁴⁾ Minimum Depth (Feet) | Side Yard ⁽⁵⁾ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|---|--|--|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| Two-Family Residential Subdistrict | | | | | | | | | | | |
| 2F-7,000 ⁽¹⁾ | | | | | | | | | | | |
| 1 Family Detached or Semi-Attached or 2 Family Detached | 5,000 for 1 unit | 2,000 | 50 | 50 | 0.5 | 2-1/2 | 1,250 for 1 unit plus 500 for each addit'l unit | 20 | 10 | 20 | 25 |
| Other Use | 7,000 | N/A | 50 | 50 | 0.5 | 2-1/2 | 1,750 per lot | 20 | 10 | 20 | 25 |
| 2F-9,000 ⁽¹⁾ | | | | | | | | | | | |
| 1 Family Detached or Semi-Attached or 2 Family Detached | 6,000 for 1 unit | 3,000 ⁽¹⁾ | 50 | 50 | 0.5 | 2-1/2 | 1,500 for 1 unit plus 750 for each addit'l unit | 20 | 10 | 20 | 25 |
| Other Use | 9,000 | N/A | 50 | 50 | 0.5 | 2-1/2 | 2,250 per lot | 20 | 10 | 20 | 25 |

TABLE E- Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq. Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq. Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ⁽²⁾ Maximum Stories | Usable Open Space ⁽³⁾ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁽⁴⁾ Minimum Depth (Feet) | Side Yard ⁽⁵⁾ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|--|---|---|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| Three-Family Residential Subdistrict | | | | | | | | | | | |
| 3F-4,000 ⁽¹⁾ | | | | | | | | | | | |
| Row House Building or Town House Building | 3,000 for 1 unit | 1,000 | 25 | 25 | 0.8 | 3 | 600 for 1 unit plus 200 for each addit'l unit | 15 | (6) | 20 | 25 |
| Semi-Attached or Detached Dwelling | 3,000 for 1 unit | 1,000 | 40 | 40 | 0.7 | 3 | 600 for 1 unit plus 200 for each addit'l unit | 15 | (6) | 20 | 25 |
| Any Other Use | 4,000 | N/A | 45 | 45 | 0.7 | 3 | 800 per lot | 15 | (6) | 20 | 25 |

TABLE E- Continued

| Three-Family Residential Subdistrict | Lot Area, Minimum for Dwelling Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwelling Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ⁽²⁾ Maximum Stories | Usable Open Space ⁽³⁾ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁽⁴⁾ Minimum Depth (Feet) | Side Yard ⁽⁵⁾ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|---|---|--|--------------------------|-----------------------------|--------------------------|--|--|--|---|--------------------------------|--|
| | | | | | | | | | | | |
| 3F-5,000 ⁽¹⁾ | | | | | | | | | | | |
| Row House Building or Town House Building | 3,000 for 1 unit | 2,000 | 25 | 25 | 0.6 | 3 | 750 for 1 unit plus 500 for each addit'l unit | 15 | (6) | 20 | 25 |
| Semi-Attached or Detached Dwelling | 3,000 for 1 unit | 2,000 | 40 | 40 | 0.6 | 3 | 750 for 1 unit plus 500 for each addit'l unit | 15 | (6) | 20 | 25 |
| Any Other Use | 5,000 | N/A | 45 | 45 | 0.6 | 3 | 1,250 per lot | 15 | (6) | 20 | 25 |

Three-Family Residential Subdistrict

3F-5,000⁽¹⁾

Row House Building or Town House Building

Semi-Attached or Detached Dwelling

Any Other Use

TABLE E- Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ⁽²⁾ Maximum Stories | Usable Open Space ⁽³⁾ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁽⁴⁾ Minimum Depth (Feet) | Side Yard ⁽⁵⁾ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|---|--|--|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| Multifamily Residential Subdistrict | | | | | | | | | | | |
| <u>MFR⁽¹⁾</u> | | | | | | | | | | | |
| 1 or 2 Family Detached Dwelling or Semi-Attached Dwelling | 3,000 per bldg. of 1 or 2 units | 3,000 per bldg. of 1 or 2 units | 40 | 40 | 1.0 | 3 | 600 for 1 unit plus 200 for each addit'l unit | 20 | 10 | 20 | 25 |
| Row House Building or Town House Building | 3,000 for up to 4 units per bldg. | 3,000 for up to 4 units per bldg. | 30 for each bldg. | 30 for each bldg.- | 1.0 | 3 | 200 | 15 | 10 | 20 | 25 |
| Any other Dwelling or Use | 4,000 for first 3 units | 1,000 | 40 | 40 | 1.0 | 3 | 150 | 15 | 10 | 20 | 25 |

TABLE E - Continued

Footnotes

1. See Map 9A, Map 9B, Map 9C, and Section 55-7. In a 1F subdistrict, the maximum number of dwelling units allowed in a single structure shall be one (1). In a 2F subdistrict, the maximum number of dwelling units allowed in a single structure shall be two (2), provided that: (a) a third dwelling unit may be allowed as a conditional use in the 2F-4,000 and 2F-9,000 subdistricts, and (b) the maximum number of dwelling units allowed in a semi-attached dwelling shall be one (1). In a 3F subdistrict, the maximum number of dwelling units allowed in a single structure, or in any combination of semi-attached or attached structures (including Semi-Attached Dwellings, Town House Buildings, and Row House Buildings), shall be three (3).
2. For the purpose of determining Building Height, the floor area of a dormer on a Dwelling shall not be included in the floor area calculation for a half story; provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of an existing Structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation for a half story. However, the floor area of such dormers shall be included in Gross Floor Area of the Dwelling.
3. The minimum usable open space requirement is applicable only to Residential Uses and Dormitory/Fraternity Uses.

For any lot that exceeds the minimum lot area specified in this Table E, the required number of square feet of usable open space per dwelling unit shall be calculated by adding: (a) the minimum usable open space per dwelling unit specified in this Table E, and (b) twenty-five percent (25%) of the lot area in excess of the required minimum lot area specified in this Table E for the lot.

All ground level open space used to satisfy the minimum usable open space requirements specified in this Table E must have an unobstructed length of not less than ten (10) feet and an unobstructed width of not less than ten (10) feet, except that, for yards used to meet the open space requirements of this Table E, shorter or narrower dimensions are allowed where specifically permitted by the provisions of Section 55-41 (Application of Dimensional Requirements).

In the 3F Subdistricts and the MFR Subdistricts, up to twenty-five percent (25%) of the usable open space requirement may be met by unenclosed porches (with or without roofs) or by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings, provided that any such space on a porch, balcony, or roof has an unobstructed length of not less than six (6) feet and an unobstructed width of not less than six (6) feet.
4. See Section 55-41.2, Conformity with Existing Building Alignment. A bay window may protrude into a Front Yard.
5. Semi-attached Dwellings, Town House Buildings, and Row House Buildings are only required to have side yards on sides that are not attached to another Dwelling.

TABLE E - Continued

6. Seven (7) feet from a side lot line and ten (10) feet from an existing structure on an abutting lot, provided that: (a) the aggregate width of two side yards shall be not less than seventeen (17) feet, and (b) the width of any side yard in which there is a driveway providing access to off-street parking spaces or off-street loading facilities required by this Article shall be not less than ten (10) feet.

TABLE F

Jamaica Plain Neighborhood District

Conservation Protection Subdistricts
Dimensional Regulations(1)Conservation
Protection
Subdistrict

0.3

35

(2),(3)

none

none

none

20

none

none

Maximum Floor Area Ratio(2)

Maximum Building Height(2)

Residential Use

Other Use

Minimum Lot Size

Minimum Lot Width

Minimum Lot Frontage

Minimum Front Yard

Minimum Side Yard

Minimum Rear Yard

1. A Proposed Project in a Conservation Protection Subdistrict may be subject to the site plan review and approval regulations set forth in Section 55-10.
2. For maximum Building Heights, Floor Area Ratios, and number of dwelling units per acre for Planned Development Areas, see Section 55-30.
3. For any Residential Use, as defined in Article 2A, there shall be a minimum lot size of one (1) acre and a maximum of four and one-half (4.5) dwelling units per acre.

TABLE G

Jamaica Plain Neighborhood District

Neighborhood Business Subdistricts
Dimensional Regulations

| | Local Convenience Subdistricts | Neighborhood Shopping Subdistricts |
|--|--------------------------------------|--|
| Maximum Floor Area Ratio | 1.0 | 2.0 |
| Maximum Building Height | 35 | 45 |
| Minimum Lot Size | none | none |
| Minimum Lot Area Per Dwelling Unit | none | none |
| Minimum Usable Open Space (1) per Dwelling Unit | 50 | 50 |
| Minimum Lot Width | none | none |
| Minimum Lot Frontage | none | none |
| Minimum Front Yard (2) | none (3) | none (3) |
| Minimum Side Yard (4) | none | none |
| Minimum Rear Yard (5) | 20 | 20 |

TABLE G

Footnotes:

1. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
2. In a required front yard, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.
3. In a Neighborhood Business Subdistrict, every front yard required by this code shall be at grade level along every lot line on which such yard abuts.
4. See Section 55-37.1, Street Wall Continuity.
4. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
5. In a Neighborhood Business Subdistrict, every rear yard required by this code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE H

Jamaica Plain Neighborhood District

Local Industrial Subdistricts and Industrial Development Areas
Dimensional Regulations

| | <u>Local Industrial Subdistricts</u> | <u>Industrial Development Areas</u> |
|--|--|---|
| Maximum Floor Area Ratio | 1.0 | 1.0(1) |
| Maximum Building Height | 35 | 35(1) |
| Minimum Lot Size | none | none |
| Minimum Lot Area Per Dwelling Unit | none | none |
| Minimum Usable Open Space (Square Feet per Dwelling Unit) | 50 | 50 |
| Minimum Lot Width | none | none |
| Minimum Lot Frontage | none | none |
| Minimum Front Yard | none | none |
| Minimum Side Yard | none | none |
| Minimum Rear Yard | 20 | 20 |

1. For maximum Building Heights and Floor Area Ratios for Planned Development Areas, see Section 55-30.

TABLE I

Jamaica Plain Neighborhood District

Neighborhood Institutional Subdistricts
Dimensional Regulations

| | <u>Veterans Administration</u> | <u>Angell Memorial Hospital</u> | <u>Faulkner Hospital</u> |
|--------------------------|------------------------------------|---|------------------------------|
| Maximum Floor Area Ratio | 1.0 | 0.5 | 0.6 |
| Maximum Building Height | 45 | 45 | 45 |
| Residential Use(1) | | | |
| Other Use | | | |
| Minimum Lot Size | none | none | none |
| Minimum Lot Width | none | none | none |
| Minimum Lot Frontage | none | none | none |
| Minimum Front Yard | 20 | 20 | 20 |
| Minimum Side Yard | 10 | 10 | 10 |
| Minimum Rear Yard | 20 | 20 | 20 |

1. For any Residential Use, as defined in Article 2A, there shall be a minimum lot size of one (1) acre and a maximum of four and one-half (4.5) dwelling units per acre.

TABLE J

**Jamaica Plain Neighborhood District
Off-Street Parking Requirements**

**Proposed Projects Under 50,000 Square Feet
of Gross Floor Area (1), (2)**

| | <u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u> |
|--------------------------------------|---|
| <u>Banking and Postal Uses</u> | 1.0 |
| <u>Community Uses</u> | 1.0 |
| <u>Educational Uses</u> | |
| Day Care Center | 0.7 |
| Elementary or Secondary School | 0.7 |
| Kindergarten | 0.7 |
| Other Educational Uses | 1.0 |
| <u>Health Care Uses</u> | 1.0 |
| <u>Industrial Uses</u> | 0.5 |
| <u>Office Uses</u> | 2.0 |
| <u>Public Service Uses</u> | |
| Police Station | 1.0 |
| Fire Station | 1.0 |
| All other Public Service Uses | 0 |
| <u>Research and Development Uses</u> | 0.5 |
| <u>Retail Uses</u> | 2.0 |
| <u>Service and Trade Uses</u> | 2.0 |

TABLE J - Continued

**Jamaica Plain Neighborhood District
Off-Street Parking Requirements**

**Proposed Projects Under 50,000 Square Feet
of Gross Floor Area (1), (2)**

| | <u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u> |
|----------------------------|---|
| <u>Storage Uses, Major</u> | 0.5 |
| <u>Transportation Uses</u> | 0.25 |
| <u>Vehicular Uses</u> | 0.5 |
| <u>Wholesale Uses</u> | 0.25 |

1. For Proposed Projects of 50,000 or more square feet, see Section 55-35.
2. The off-street parking requirements of this Table J are not applicable in the Centre Street Local Convenience Subdistrict and the Centre Street Neighborhood Shopping Subdistrict.

TABLE J - Continued

**Jamaica Plain Neighborhood District
Off-Street Parking Requirements**

**Proposed Projects Under 50,000 Square Feet
of Gross Floor Area (1),(2)**

| | If there are seats: <u>(spaces per seat) (3)</u> | If there are no seats (spaces per 1,000 square feet of public <u>floor area in structures)</u> |
|---------------------------|---|---|
| <u>Cultural Uses</u> | 0.2 | 2.0 |
| <u>Entertainment Uses</u> | 0.3 | 4.0 |
| <u>Funerary Uses</u> | | |
| Funeral home | 0.1 | 3.0 |
| Mortuary chapel | 0.1 | 3.0 |
| All other funerary uses | none | none |
| <u>Places of Worship</u> | 0.1 | 3.0 |
| <u>Restaurant Uses</u> | | |
| Restaurant | 0.3 | 4.0 |
| Other Restaurant Uses | 0.15 | 0.5 |
| <u>Open Space Uses</u> | | |
| Stadium | 0.2 | N/A |
| Other Open Space Uses | 0.2 | 2.0 |

1. For Proposed Projects of 50,000 or more square feet, see Section 55-35.
2. The off-street parking requirements of this Table J are not applicable in the Centre Street Local Convenience Subdistrict and the Centre Street Neighborhood Shopping Subdistrict.
3. Where benches are used, each two (2) lineal feet of bench shall constitute one (1) seat.

TABLE J - Continued

**Jamaica Plain Neighborhood District
Off-Street Parking Requirements**

**Residential and Related Uses
Proposed Projects Under 50,000 Square Feet of
Gross Floor Area (1),(2)**

| | <u>Spaces per Dwelling Unit(3)</u> |
|--|--|
| <u>Dormitory/Fraternity Uses</u> | 0.5 |
| <u>Hotel and Conference Center Uses</u> | 0.7 |
| Bed and Breakfast | 0.7 |
| Conference Center | 0.7 |
| Executive Suites | 0.7 |
| Hotel | 0.7 |
| Motel | 1.0 |
| <u>Residential Uses</u> | |
| Elderly Housing | 0.2 |
| Group Care, Limited | 0.5 |
| Lodging House | 0.5 |
| Transitional Housing or Homeless Shelter | 0.25 |
| Other Residential Uses (4) | |
| 1-3 units | 1.0 |
| 4-9 units | 1.25 |
| 10+ units | 1.5 |

1. For Proposed Projects of 50,000 or more square feet, see Section 55-35.
2. The off-street parking requirements of this Table J are not applicable in the Centre Street Local Convenience Subdistrict and the Centre Street Neighborhood Shopping Subdistrict.
3. Where a use is not divided into Dwelling Units:
 - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two (2) people, each group of four (4) beds shall constitute a Dwelling Unit.

4. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement for Proposed Projects under 50,000 square feet of gross floor area shall be 0.7 parking spaces per Dwelling Unit.

TABLE K

**Jamaica Plain Neighborhood District
Off Street Loading Requirements**

**Proposed Projects Under 50,000 Square Feet of
Gross Floor Area (1)**

| <u>Gross Floor Area</u> | <u>Required Off-Street Loading Bays</u> |
|---------------------------|---|
| 0-15,000 square feet | 0 |
| 15,001-49,999 square feet | 1.0 |

1. For Proposed Projects of 50,000 or more square feet, see Section 55-35.

Text Amendment Application No. 231

Text Amendment No. 199

Richard B. Fisher
Chairman

R. G. Mann
Vice Chairman

James M. McGrath
John Bean

Edward J. D. Gostine

Brent P. Hargis
Robert Jordan

In Zoning Commission

Adopted August 18, 1993

Attest: Sheila Krogh
Secretary

Thomas M. Menino
Mayor, City of Boston

Date: 9, 7 / 93

The foregoing amendment was presented to the Mayor on August 25, 1993, and was signed by him on September 7, 1993, whereupon it became effective on September 7, 1993, in accordance with Section 3 of Chapter 665 of the Acts of 1956.

Attest: Sharon K. [Signature]
Secretary to the Zoning Commission

Text Amendment Application No. 242
Boston Redevelopment Authority
West Roxbury Neighborhood
District

TEXT AMENDMENT NO. 209

EFFECTIVE
August 23, 1994*

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning Code as follows:

By inserting, after Article 55, the following article:

ARTICLE 56

WEST ROXBURY NEIGHBORHOOD DISTRICT

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| 56-3 | Applicability |
| 56-4 | Prohibition of Planned Development Areas |
| 56-5 | Community Participation |

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| | |
|--------------|--|
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| 56-7 | Use Regulations Applicable in Residential Subdistricts |
| 56-8 | Dimensional Regulations Applicable in Residential Subdistricts |

* Date of public notice: June 29, 1994 (see St. 1956, c. 665, s. 5).

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Subdistricts

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

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Business Subdistricts

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SECTION 56-1. Statement of Purpose and Objectives. The purpose of this Article is to establish the zoning regulations for the West Roxbury Neighborhood District as required by the provisions of the West Roxbury Interim Planning Overlay District, Article 27K of this Code. The objectives of this Article are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to retain and develop affordable housing compatible with adjacent areas, particularly for elderly residents; to promote the viable neighborhood economy; to preserve, maintain and create open space; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 56-2. Physical Boundaries. The provisions of this Article are applicable only in the West Roxbury Neighborhood District. The boundaries of the West Roxbury Neighborhood District and its subdistricts are as shown on the maps numbered 11A, 11B, 11C, 11D, and 11E and entitled "West Roxbury Neighborhood District" (replacing "Map 11 West Roxbury"), all of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 56-3. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the West Roxbury Neighborhood District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27K to the West Roxbury Neighborhood District is rescinded, and the West Roxbury Interim Planning Overlay District is extinguished on the effective date of this Article, except as provided below. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the West Roxbury Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

SECTION 56-4. Prohibition of Planned Development Areas. Within the West Roxbury Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 56-28.

SECTION 56-5. Community Participation. This Article has been developed with the extensive participation of the West Roxbury Neighborhood Council, civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the West Roxbury Neighborhood Council, or its successor organization, and the West Roxbury civic associations, residents, business and trade groups shall continue to play an ongoing role in advising the City on land use planning for West Roxbury.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 56-6. Establishment of Residential Subdistricts. This Section 56-6 establishes Residential Subdistricts within the West Roxbury Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of the residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development which enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. One-Family ("1F") Residential Subdistricts. The One-Family Residential ("1F") Subdistricts are established to preserve, maintain and promote low density one-family neighborhoods, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 1F Subdistrict, the maximum number of Dwelling Units allowed in a single Building shall be one (1).
2. Two-Family Residential ("2F") Subdistricts. The Two-Family Residential ("2F") Subdistricts are established to preserve, maintain and promote two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 2F Subdistrict, the maximum number of Dwelling Units allowed in a single Building shall be two (2).
3. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage low to medium density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.

SECTION 56-7. Use Regulations Applicable in Residential Subdistricts.

1. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.

2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in a Basement are forbidden in the West Roxbury Neighborhood District.

SECTION 56-8. Dimensional Regulations Applicable in Residential Subdistricts.

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table D of this Article.
2. Lot Frontage. Within the One-Family Residential ("1F") Subdistricts and Two-Family Residential ("2F") Subdistricts, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table D of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width.
3. Location of Parking. Accessory off-street parking in the Residential Subdistricts shall not be located in any part of the Front Yards required by this Article, as set forth in Table D.
4. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line.

REGULATIONS APPLICABLE IN CONSERVATION PROTECTION SUBDISTRICTS

SECTION 56-9. **Establishment of Conservation Protection Subdistricts.**

This Section 56-9 establishes Conservation Protection ("CP") Subdistricts in the West Roxbury Neighborhood District. The Conservation Protection Subdistricts are established to promote the most desirable use of land and siting of development in areas with special natural or scenic features in accordance with a well considered plan, and to protect and enhance the natural and scenic resources of West Roxbury.

The following Conservation Protection Subdistricts are established:

1. Bakalar/Allandale Woods Conservation Protection Subdistrict
2. Hancock Swamp Conservation Protection Subdistrict
3. Hancock Woods Conservation Protection Subdistrict
4. La Grange Street Conservation Protection Subdistrict
5. Mt. Benedict Cemetery Conservation Protection Subdistrict
6. Pulpit Rock Conservation Protection Subdistrict
7. Roxbury Latin School Conservation Protection Subdistrict
8. St. Joseph's Cemetery Conservation Protection Subdistrict
9. Souther (Allandale Woods) Conservation Protection Subdistrict
10. West Roxbury Quarry Conservation Protection Subdistrict

SECTION 56-10. Use Regulations Applicable in Conservation Protection Subdistricts. Within the Conservation Protection Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Conservation Protection Subdistricts.

SECTION 56-11. Dimensional Regulations Applicable in Conservation Protection Subdistricts. The minimum Lot Area, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Conservation Protection Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table E of this Article.

SECTION 56-12. Site Plan Review and Approval Regulations. In order to assure that any significant new development within a Conservation Protection Subdistrict occurs in a manner that is protective of its special natural and scenic features in accordance with a plan considering the most desirable land uses for such area, the following site plan approval regulations apply. The Commissioner of the Department of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to the provisions of this Section 56-12, unless the Director of the

Boston Redevelopment Authority has issued a certificate of compliance with this Section 56-12.

1. Applicability of Site Plan Review Requirements. The site plan review requirements of this Section 56-12 shall apply to any Proposed Project within a Conservation Protection Subdistrict, unless such Proposed Project, together with Previous Projects, as hereinafter defined, does not, within such Conservation Protection Subdistrict, add more than five thousand (5,000) square feet of gross floor area or add more than five thousand (5,000) square feet of impervious surface, or involve regrading or recontouring of land with the addition, removal, or relocation of one hundred (100) or more cubic yards of earth, or involve the construction of a one family detached dwelling. For the purposes of this Section 56-12, "Previous Project" means any project of the Applicant, or any predecessor in interest of the Applicant, within the same Conservation Protection Subdistrict, that has been substantially completed within the three (3)-year period ending on the date of submission of the building permit application for such Proposed Project, or which, as of such date, was under construction or was the subject of a pending building permit application.
2. Procedure for Approval of Proposed Project. Each application for a permit for a Proposed Project subject to the provisions of this Section 56-12 shall include a Site Plan Review Application, containing the information required by Section 56-12.4, and shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copies as follows: one to the Boston Redevelopment Authority and the other to the Boston Environment Department. The Boston Environment Department may, within forty-five (45) days after the date of such transmittal, file with the Boston Redevelopment Authority a report with recommendations, together with additional material, maps, or plans to aid the Boston Redevelopment Authority in determining consistency with the standards for approval set forth in Section 56-12.5. The Boston Redevelopment Authority shall not notify the Inspectional Services Department of its findings on the application for a Proposed Project until such report with recommendations has been received and considered, provided that if no such report is received within said forty-five (45) days, the Boston Redevelopment Authority may certify to the Inspectional Services Department its findings without such report. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the standards set forth in Section 56-12.5 or is not consistent with such standards; provided that if no such findings are transmitted to the Inspectional Services Department within sixty (60) days after the receipt by the Boston Redevelopment Authority of the application for a Proposed

Project, the Proposed Project shall be deemed to be consistent with the standards set forth in Section 56-12.5 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 56-12 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

3. Relationship to Article 31. When a Proposed Project is subject to the provisions of this Section 56-12 and also is subject to the provisions of Article 31, the site plan review required by this Section 56-12 may, at the election of the Applicant, be conducted as part of the development review required by Article 31. In such case, the Project Notification Form submitted to the Boston Redevelopment Authority pursuant to Section 31-5.1 shall include a summary of each of the elements of the Site Plan Evaluation, as described in Section 56-12.4 below. The required scope of the Site Plan Review Application shall be addressed in the Scoping Determination issued pursuant to Section 31-5.2, and site plan review shall occur in the context of Article 31 as though the substantive submission and review requirements of this Section 56-12 were set forth as one of the development review components described in Section 31-5.2. The timing and procedure for review shall be as set forth in Article 31, rather than as set forth in Section 56-12.2, except that the Boston Redevelopment Authority shall transmit a copy of each development review submission received for such Proposed Project to the Boston Environment Department and consider all comments received within the comment periods required by Section 56-12.2. An Adequacy Determination for such Proposed Project pursuant to Section 31-5.6 shall not be issued unless the review standards of Section 56-12.5 have been satisfied.
4. Content of Site Plan Review Application. A Site Plan Review Application shall consist of the following:
 - (a) A survey map prepared by a registered surveyor showing topography at two-foot intervals, the location, caliper and species of individual trees of 6-inch caliper or more, the location of other significant natural features on the site, including water courses, water bodies, wetlands, unusual gradients and geologic formations, plant communities and wildlife habitats. Such survey plan also shall show existing structures, parking areas, driveways and other paved surfaces, and utility lines.
 - (b) Photographs showing the location and condition of significant natural features.

- (c) A proposed site plan showing the Proposed Project and the anticipated location of other planned projects of the Applicant within the Conservation Protection Subdistrict, together with planned grading and landscaping, streets, sidewalks, utilities, and other planned features of the site. Such site plan also shall show the extent to which significant natural features of the site will be preserved and protected.
- (d) A drainage plan and soil report prepared by a registered engineer, when necessary to assess the drainage impacts of the proposed site plan on significant natural features.
- (e) A proposed maintenance program for the significant natural features of the site, including a statement of whose responsibility it will be for the performance of the maintenance program.
- (f) Any other information relating to the site plan of the Proposed Project and the preservation and protection of its significant natural features as requested by the Boston Redevelopment Authority.

The Boston Redevelopment Authority may waive one or more requirements set forth in paragraphs (a) through (f) of this Section 56-12.4 upon the written request of the Applicant if the Boston Redevelopment Authority determines that such requirements are unnecessary for evaluation purposes.

5. Standards for Site Plan Approval. This Section 56-12.5 establishes standards to be applied in the review of a site plan for a Proposed Project that is subject to the provisions of this Section 56-12.

- (a) The Proposed Project should result in the minimum practicable interference with significant natural features within the Conservation Protection Subdistrict consistent with development permitted by the applicable use and dimensional controls. To the extent thus consistent,
 - (i) elements of the Proposed Project should be sited away from the most significant natural features of the site; and
 - (ii) where it is necessary to disturb or reduce in area a significant wildlife habitat or plant community, reasonable restorative measures, or the replacement of such features elsewhere on the site, should be evaluated and undertaken

if economically practicable. The preservation of existing vegetation is encouraged.

- (b) Clustering of buildings and appropriate siting measures are encouraged to allow for the creation of larger contiguous open space areas, the preservation of significant natural features, and the arrangement of landscaping and structures on the site in a manner that is sensitive to the surrounding residential areas.
- (c) For a steep slope, special consideration should be given to the preservation of scenic quality and to the prevention of hillside erosion and excessive runoff. Particular care should be taken where the steep slope area is part of the watershed of a creek, stream, brook, lake, pond, or wetland. Existing vegetation in steep areas should not be removed, destroyed, or damaged except pursuant to approved development and grading plans. An objective of such plans shall be to preserve the natural terrain and vegetation to the extent practicable by fitting street layouts and building designs to the natural terrain, and minimizing alterations of the natural grade.
- (d) Adequate provision should be made for proper management and maintenance of significant natural features and their immediate surroundings.
- (e) Site plan review shall take full account of reasonably foreseeable future development within the Conservation Protection Subdistrict. To discourage the improper segmentation of Proposed Projects, a criterion for the review of a site plan shall be its consistency with any previously approved site plan of the Applicant, or any predecessor in interest of the Applicant, within the same Conservation Protection Subdistrict.

REGULATIONS APPLICABLE IN OPEN SPACE DISTRICTS AND SUBDISTRICTS

SECTION 56-13. **Establishment of Open Space Districts and Subdistricts.**

This Section 56-13 establishes Open Space ("OS") Districts and Subdistricts in the West Roxbury Neighborhood District. The purpose of the Open Space Districts and Subdistricts is to enhance the quality of life for West Roxbury's residents by protecting open space resources. Any Lot within any Open Space District or Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts). The Open Space Districts and Subdistricts designated in the West Roxbury Neighborhood District are listed in Table 1 of this Section 56-13 and are of the following types:

1. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses, and are subject to provisions of Section 33-14.
2. Community Garden Open Space (OS-G) Subdistrict. Community Garden Subdistricts consist of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. Such land may include Vacant Public Land. Community Garden Open Space Subdistricts are subject to the provisions of Section 33-8.
3. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.
4. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof. Recreation Open Space Subdistricts are subject to the provisions of Section 33-10.
5. Urban Wild Open Space (OS-UW) Subdistrict. Urban Wild Open Space Subdistricts shall consist of land not in the City's park system that includes such features as undeveloped hills, rock outcroppings, quarries, woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuary, creek, river, stream, pond, or lake, or any land under said waters. Urban Wild Open Space Subdistricts are subject to the provisions of Section 33-12.

TABLE 1

**Open Space Districts and Subdistricts
in the West Roxbury Neighborhood District**

| <u>Designation</u> | <u>Location/Name</u> |
|--------------------------|---|
| Open Space District | Charles River Embankment |
| Open Space Subdistricts: | |
| Cemetery | Baker Street Cemeteries Centre Street Cemeteries Grove Street Cemeteries Westerly Cemetery |
| Parkland | Bellevue Hill Duffie Square Dump Shoreline Piemonte Park Sawmill Brook (Brook Farm) Stony Brook Reservation VFW Parkway West Roxbury Parkway |
| Recreation | Beethoven School Play Area Billings Field Brucewood Street Draper Playground Hynes Playground Praught Little League Field |
| Urban Wild | Brandagee Dragon Rock Hancock Swamp Spring Street Marsh |

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 56-14. **Establishment of Neighborhood Business Subdistricts.**

This Section 56-14 establishes Neighborhood Business Subdistricts within the West Roxbury Neighborhood District. There are two types of Neighborhood Business Subdistricts: Neighborhood Shopping ("NS") Subdistricts, providing convenience goods and services to the larger neighborhood; and Community Commercial ("CC") Subdistricts, providing a diversified commercial environment serving larger markets. Both types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the West Roxbury community.

The following Neighborhood Business Subdistricts are established:

1. Baker Street Neighborhood Shopping (NS) Subdistrict
2. Centre Street Neighborhood Shopping (NS) Subdistrict
3. Centre Street/Weld Street Neighborhood Shopping (NS) Subdistrict
4. Chestnut Village Neighborhood Shopping (NS) Subdistrict
5. Spring Street Neighborhood Shopping (NS) Subdistrict
6. Washington Street Neighborhood Shopping (NS) Subdistrict
7. Gardner Street Community Commercial (CC) Subdistrict
8. Route 1 Community Commercial (CC) Subdistrict

SECTION 56-15. Use Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

SECTION 56-16. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table F of this Article.

REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

SECTION 56-17. Establishment of Local Industrial Subdistricts. This Section 56-17 establishes Local Industrial ("LI") Subdistricts within the West Roxbury Neighborhood District. The purpose of Local Industrial Subdistricts is to encourage the preservation of the existing manufacturing and industrial base in a manner that is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the West Roxbury Neighborhood District.

The following Local Industrial Subdistrict is established:

1. Charles River Area Local Industrial (LI) Subdistrict
2. Route 1 Local Industrial (LI) Subdistrict

SECTION 56-18. Use Regulations Applicable in Local Industrial Subdistricts. Within the Local Industrial Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Local Industrial Subdistricts.

SECTION 56-19. Dimensional Regulations Applicable in Local Industrial Subdistricts. The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Local Industrial Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table G of this Article.

REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

SECTION 56-20. Establishment of Community Facilities Subdistricts. This Section 56-20 establishes Community Facilities ("CF") Subdistricts within the West Roxbury Neighborhood District. The purpose of the Community Facilities Subdistricts is to encourage the development and expansion of important community-based facilities in the West Roxbury Neighborhood District that provide educational, health, and cultural services to the community and are an important part of the fabric of the West Roxbury community.

The following Community Facilities Subdistricts are established:

1. Catholic Memorial High School Community Facilities (CF) Subdistrict
2. West Roxbury High School Community Facilities (CF) Subdistrict
3. Roxbury Latin School Community Facilities (CF) Subdistrict

SECTION 56-21. Use Regulations Applicable in Community Facilities Subdistricts. Within a Community Facilities Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table C is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in a Community Facilities Subdistrict.

SECTION 56-22. Dimensional Regulations Applicable in Community Facilities Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Community Facilities Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table H of this Article.

REGULATIONS APPLICABLE IN NEIGHBORHOOD INSTITUTIONAL SUBDISTRICTS

SECTION 56-23. **Establishment of Neighborhood Institutional Subdistricts.**

This Section 56-23 establishes Neighborhood Institutional ("NI") Subdistricts within the West Roxbury Neighborhood District. The purpose of the Neighborhood Institutional Subdistricts is to identify major Institutional uses within residential neighborhoods and to provide regulations that will allow small-scale Institutional projects to proceed as of right, while requiring review of larger Institutional projects to ensure that such projects proceed in a manner that is sensitive to and preserves the quality of life of the surrounding residential neighborhoods.

The following Neighborhood Institutional Subdistrict is established:

1. Veterans Administration Hospital Neighborhood Institutional Subdistrict

SECTION 56-24. Use Regulations Applicable in Neighborhood Institutional Subdistricts. Within the Neighborhood Institutional Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table C of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table C is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table C for the proposed location of such use is forbidden in such location. Any use not included in Table C is forbidden in the Neighborhood Institutional Subdistricts.

SECTION 56-25. Dimensional Regulations Applicable in Neighborhood Institutional Subdistricts. The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Institutional Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table H of this Article.

REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

SECTION 56-26. **Recognition of Greenbelt Protection Overlay Districts.**

This Section 56-26 establishes Greenbelt Protection Overlay Districts ("GPOD") in the West Roxbury Neighborhood District. The following Greenbelt Roadways and their adjacent areas between the boundary lines shown on Maps 11A, 11B, and 11C and described in Article 29 are designated Greenbelt Protection Overlay Districts, as follows:

1. Veterans of Foreign Wars Parkway GPOD
2. West Roxbury Parkway GPOD
3. Enneking Parkway GPOD
4. Turtle Pond Parkway GPOD

Any Lot within a GPOD is subject to the provisions of this Article applicable to the subdistrict within which it is located and to the provisions of Article 29 (Greenbelt Protection Overlay Districts).

SECTION 56-27. **Establishment of Neighborhood Design Overlay Districts.**

This Section 56-27 establishes Neighborhood Design Overlay Districts ("NDOD") as overlays to certain subdistricts within the West Roxbury Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentrations of historic buildings within the Neighborhood Design Overlay Districts.

Within the Neighborhood Design Overlay Districts, design review, pursuant to Section 56-35, is applicable to Proposed Projects described in Section 56-35.1. All use, dimensional, and other provisions applicable to the underlying subdistricts are applicable within the Neighborhood Design Overlay Districts.

The following Neighborhood Design Overlay District is established:

1. Corey Street Neighborhood Design Overlay District. The Corey Street district illustrates the range of residential development in the Highland section of West Roxbury from the mid-19th through the early 20th century. The district is comprised of late 19th century Queen Anne and Colonial Revival homes and early 20th century Dutch Colonials, Tudors, and Bungalows.

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

SECTION 56-28. Establishment of Areas Within Which Planned Development Areas May be Permitted. Planned Development Area ("PDAs"), as described in Section 3-1A.a, are permitted within the Conservation Protection Subdistricts. PDAs are not permitted elsewhere in the West Roxbury Neighborhood District.

The purposes of establishing the areas specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to provide public benefits to the West Roxbury community; and to protect the significant open space and significant natural features of areas in a Conservation Protection Subdistrict.

SECTION 56-29. Planned Development Areas: Use and Dimensional Regulations.

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan.
2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Building Height, Floor Area Ratio (FAR), and number of dwelling units per acre for such Proposed Project shall not exceed the limits set forth in Table 2, below:

TABLE 2

West Roxbury Neighborhood District Planned Development Areas Maximum Building Heights, Floor Area Ratios, and Number of Dwelling Units Per Acre

| <u>Area</u> | <u>Maximum Building Height</u> | <u>FAR</u> | <u>Maximum No. of Dwelling Units/Acre</u> |
|---|--|------------|---|
| Conservation Protection Subdistricts | 45' | 0.5 | 4.5 dwelling units/acre on any CPS less than 15 acres; otherwise 8 dwelling units/acre |

SECTION 56-30. Planned Development Areas: Approval Process. This Section 56-30 establishes a process for approving Proposed Projects within Planned Development Areas.

1. Development Plan Approval Process. To establish a PDA, the Applicant must submit a Development Plan for the Proposed Project to the Boston Redevelopment Authority for its approval in accordance with Section 3-1A.a. A Proposed Project within a PDA may be located on multiple contiguous parcels or Lots, whether or not any portion of the Proposed Project on a particular parcel or Lot satisfies the provisions of this Article and Code, so long as the Proposed Project as a whole is consistent with the provisions of this Article and Code, including without limitation those relating to maximum Building Height, Floor Area Ratio, and number of dwelling units per acre.
2. Boston Redevelopment Authority Review. No later than sixty (60) days after the Applicant files a Development Plan, the Boston Redevelopment Authority shall approve the Development Plan, and authorize its Director to petition the Zoning Commission to approve the Development Plan and to designate the area of the Proposed Project as a PDA, or shall conditionally approve the Development Plan, or shall disapprove the Development Plan.
3. Community Participation. The Applicant shall provide the Boston Redevelopment Authority with a sufficient number of copies (up to fifty (50)) of the application for Development Plan approval to allow for distribution to interested parties. After receiving such application, the Boston Redevelopment Authority shall retain one copy of such application for its files and shall transmit copies to appropriate City departments and agencies, to the West Roxbury Neighborhood Council or its successor organization, if any, and to neighborhood organizations in the West Roxbury Neighborhood District that have requested such materials. Within five (5) days after the Boston Redevelopment Authority has received such application, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the City. Such notice shall state the name of the applicant, identify the Development Plan area, and specify the date by which comments from the public must be received by the Boston Redevelopment Authority. The Boston Redevelopment Authority shall make copies of such application available generally to the public. Before it renders a decision on an application for Development Plan approval, the Boston Redevelopment Authority shall review timely comments and recommendations from the West Roxbury Neighborhood Council, or its successor organization, if any, the general public, civic and neighborhood and community organizations in the West Roxbury Neighborhood District, and public agencies concerning the Development Plan's compliance with the approval standards set forth in

Section 56-32 (which address Development Plan impacts). The Boston Redevelopment Authority shall work toward resolution of issues raised in the public review process.

4. Zoning Commission Approval Only; No Board of Appeal Action Required. Upon approval of the Development Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Development Plan to the Zoning Commission for its consideration, with a copy to the West Roxbury Neighborhood Council or its successor organization, if any. The Zoning Commission may approve the Development Plan and establish a PDA if such PDA consists solely of land with respect to which an agreement has been or subsequently is entered into with the Boston Redevelopment Authority establishing use and dimensional controls as specified in the Development Plan. The Proposed Project, and the parcels or Lots and improvements thereon, that are the subject of the Development Plan shall be deemed to be in compliance with the provisions of this Article and Code, without the requirement of Board of Appeal action, so long as the same are consistent with the provisions of the approved Development Plan and, with respect to matters not covered by the approved Development Plan, consistent with the other applicable provisions of this Article and Code. Nothing in this Article shall be construed to limit the power of the Board of Appeal to grant Zoning Relief for Proposed Projects in PDAs, except that exceptions from the Building Height, FAR, and number of dwelling units per acre provisions set forth in Section 56-29 are not permitted.
5. Amendment of Development Plan. In a PDA, no Proposed Project shall proceed unless the Boston Redevelopment Authority has certified to the Commissioner of Inspectional Services that the Proposed Project is consistent with the approved Development Plan, as amended from time to time, for such PDA or the portion thereof to which said work relates. The procedure for amendment of the Development Plan is the same procedure as the procedure for initial approval of a Development Plan, as set forth in Section 3-1A.a and in Section 56-30.1.

SECTION 56-31. Applicability of Future Amendments. The issuance of any permit for the development or construction of any portion of a Proposed Project that is proceeding in accordance with an approved Development Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the provision of Section 5 of said Chapter 665 that requires that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved Development Plan.

SECTION 56-32. Planned Development Areas: Standards for Development Plan Approval. Before transmittal to the Zoning Commission, a Development Plan shall have been approved by the Boston Redevelopment Authority after a public hearing; provided, however, that no Development Plan shall be approved unless the Boston Redevelopment Authority finds that: (a) such Development Plan complies with the provisions of Sections 56-28 through Section 56-33 (Regulations Applicable in Planned Development Areas); (b) such Development Plan conforms to the West Roxbury Neighborhood Plan and the general plan for the City as a whole; (c) each Proposed Project described in such Development Plan is in compliance with the Building Height, FAR, and number of dwelling units per acre limits set forth in Section 56-29; and (d) on balance, nothing in such Development Plan will be injurious to the West Roxbury neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

SECTION 56-33. Planned Development Areas: Public Benefits. The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the provisions of Section 56-32 if the Development Plan proposes a plan for public benefits, including improvements to the urban design characteristics and aesthetic character of the development site and its surroundings and the enhancement of existing open space or the creation of new open space.

REGULATIONS GOVERNING DEVELOPMENT REVIEW AND DESIGN REVIEW

SECTION 56-34. **Applicability of Article 31 Development Review**

Requirements. In order to ensure that growth in the West Roxbury Neighborhood District is compatible with the character of the buildings and landscape and that new development is of a quality that enhances the neighborhood visually and economically and is not damaging to environmental quality, the provisions of Article 31 (Development Review Requirements) apply to the following Proposed Projects.

Notwithstanding any provision of Section 31-4 to the contrary, the provisions of Article 31 (Development Review Requirements), other than Section 31-3, shall be applicable, except where otherwise specified in this Article, to any Proposed Project to:

- (a) erect a Building or Structure having a gross floor area of fifty thousand (50,000) or more square feet; or
- (b) enlarge a Building or Structure so as to increase its gross floor area by fifty thousand (50,000) or more square feet; or
- (c) establish or change the uses of a gross floor area of fifty thousand (50,000) or more square feet; or
- (d) establish or change to conditional or forbidden uses the uses of a gross floor area of fifty thousand (50,000) or more square feet.

The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to the provisions of this Section 56-34 unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with the applicable provisions of Article 31 and this Section 56-34.

SECTION 56-35. **Design Review.**

1. Applicability of Design Review. The provisions of this Section 56-35 shall apply only to those Proposed Projects specified in this Section 56-35 that are not otherwise subject to Article 31 development review pursuant to Section 56-34 or by election.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority:

- (a) Projects Adding 20,000 Square Feet of Floor Area and Certain Other Projects. Any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate gross floor area of twenty thousand (20,000) or more square feet, and in the Roxbury Latin School Community Facilities Subdistrict, any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate gross floor area of five thousand (5,000) or more square feet. In the Local Industrial Subdistricts, the Boston Redevelopment Authority may waive the requirements of design review if the Boston Redevelopment Authority

determines that the Proposed Project, when completed, will not be visible from a public street outside the Local Industrial Subdistricts.

- (b) Certain Projects Adding Dwelling Units. Any Proposed Project for the construction of fifteen (15) or more Dwelling Units (but not including rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more Dwelling Units).
- (c) Certain Exterior Alterations in Neighborhood Design Overlay Districts. Within the Neighborhood Design Overlay Districts, any Proposed Project for the erection or extension of a Building with a gross floor area of five hundred (500) or more square feet, if such new Building or extension is visible from the Front Yard, or from the Side Yard if the side Lot line abuts a public street or public open space.

The provisions of this Section 56-35 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project that is subject to the provisions of this Section 56-35 unless the Director of the Boston Redevelopment Authority has certified that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

2. Procedure for Design Approval. Each application for a permit for a Proposed Project that is subject to design review by the Boston Redevelopment Authority pursuant to this Section 56-35 shall include a Design Review Application, containing the information required by Section 56-35.3, and shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other two copies to the Boston Redevelopment Authority, which shall transmit one copy to the West Roxbury Neighborhood Council or its successor organization, if any. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the guidelines set forth in Section 56-35.4 or is not consistent with those guidelines; provided that if no such findings are transmitted to the Inspectional Services Department within thirty (30) days of the receipt by the Boston Redevelopment Authority of the completed Design Review Application for the Proposed Project, the Proposed Project shall be deemed to be consistent with the guidelines set forth in Section 56-35.4 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 56-35 may appeal to the Board of

Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

3. Content of Design Review Application. A Design Review Application shall consist of such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project is consistent with the guidelines set forth in Section 56-35.4. Such materials shall set forth, for the existing conditions and for the Proposed Project: vehicular access and egress to and from the site; location and dimensions of all buildings, structures, and parking and loading areas; relationships of primary buildings to secondary buildings; landscaping and screening; roof shapes, cornice lines, and roof structures; exterior wall articulation, fenestration, and other architectural features; and proposed sign locations.
4. Design Guidelines. The Boston Redevelopment Authority shall review each Proposed Project that is subject to design review under this Section 56-35 for consistency with the following design guidelines.
 - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
 - (b) Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
 - (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.
 - (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic architectural feature is discouraged.
 - (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural character of historically distinctive commercial buildings in the surrounding area.
 - (f) For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian activity. Where the provision of windows in the Street Wall

is impracticable, articulation of the Street Wall by other means is encouraged. Where a Front Yard is required between the sidewalk edge and the Street Wall, such Front Yard should include an adequate landscaped buffer.

- (g) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (h) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (i) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setbacks from streets, spacing among buildings, and orientation of facades to the street and neighboring structures. A facade facing a Street should not consist of blank walls without windows. In addition, the location of buildings should respect significant landscape features on the site.
- (j) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (k) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows facing onto pedestrian areas, should be avoided to the extent practicable in building design. Consistency with the established local structure should be considered in the design of cornice and roof lines and wall articulation, including the design of bays and fenestration.
- (l) Storefronts and display windows should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.

- (m) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (n) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy, such as headhouses and mechanical equipment.
- (o) A zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.
- (p) Landscaping and screening should be used to make the business and industrial subdistricts more attractive, and to provide screening between business, industrial, and residential uses.
- (q) In addition to the foregoing, the design features of a Proposed Project should take into consideration any special characteristics of the site and its location, and should enhance and reinforce any historic qualities of existing structures.

SECTION 56-36. Specific Design Requirements. Except as otherwise expressly provided in this Article or Code, the provisions of this Section 56-36 shall apply to Proposed Projects within those subdistricts specified in this Section 56-36, except to the extent that provisions for Street Walls and display windows have been addressed through Article 31 development review, pursuant to Section 56-34 or by election, or through design review, pursuant to Section 56-35. The provisions of Article 6A shall be applicable to the provisions of this Section 56-36.

1. Street Wall Continuity in Neighborhood Business Subdistricts. This Section 56-36.1 shall apply within the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.

In any Proposed Project that is subject to this Section 56-36.1, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then, notwithstanding any contrary provision of Section 56-35, the Proposed Project shall be deemed to be subject to the design review provisions of Section 56-35 for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 56-36.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

For Proposed Projects that are subject to or elect to comply with the development review requirements of Article 31 or the design review requirements of Section 56-35, recesses and bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the Block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the urban design provisions of Article 31 or the design review provisions of Section 56-35.

2. Display Window Area Regulations in Neighborhood Business Subdistricts. This Section 56-36.2 shall apply in the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Section 56-36.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.

- (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 56-36.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.
- (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (iii) For Vehicular Uses involving the servicing or washing of vehicles, and for Industrial Uses, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use conducted on the premises.
- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 56-36.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the

building, the box or other housing for such grate should be concealed in an appropriate manner.

SECTION 56-37. Screening and Buffering Requirements. In order to enhance the appearance of the West Roxbury Neighborhood District and to ensure that its commercial, industrial, institutional, and community facilities subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 56-37 shall apply to those Proposed Projects described in this Section 56-37, except where provisions for adequate screening and buffering have been established for a Proposed Project through Article 31 development review, pursuant to Section 56-34 or by election, or through design review, pursuant to Section 56-35. The provisions of Article 6A shall apply to the provisions of this Section 56-37.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts. Where any Lot line of a Proposed Project located in a Neighborhood Business Subdistrict, Community Facilities Subdistrict, or Neighborhood Institutional Subdistrict abuts (a) a public park, or (b) a Residential Subdistrict, and where any Lot line of a Proposed Project located in a Local Industrial Subdistrict abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict, or (d) a Neighborhood Business Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, or subdistrict, a strip of shrubs and trees densely planted along the inside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the inside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line abutting a public street or public park, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict or Neighborhood Business Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict, or (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 56-37.2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the

inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.

3. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict, or (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 56-37.3, except that no additional screening shall be required if the disposal area, dumpster, or ground-mounted mechanical equipment is located within a lot where screening is required along lot lines pursuant to Section 56-37(1). Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
4. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material, except that such painting or screening shall not be required for equipment in a Local Industrial Subdistrict, provided that no part of the Local Industrial Subdistrict is located within a Greenbelt Protection Overlay District.
5. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board-type wood. The use of chain link fencing without wooden strips is discouraged except on small areas not facing a public street or public park. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
6. Specifications for Plantings. Shrubs required by this Section 56-37 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years.

Trees required by this Section 56-37 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade) and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.

7. Maintenance of Landscaped Areas. Landscaping required by this Section 56-37 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 56-37.

MISCELLANEOUS PROVISIONS

SECTION 56-38. Sign Regulations. The provisions of this Section 56-38 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Article 31 development review, pursuant to Section 56-34 or by election, or through design review pursuant to Section 56-35.

1. Sign Regulations Applicable in Residential Subdistricts, Open Space Subdistricts and Conservation Protection Subdistricts. In all Residential Subdistricts, Open Space Subdistricts and Conservation Protection Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.
2. Sign Regulations Applicable in All Subdistricts Other Than Residential, Open Space, and Conservation Protection Subdistricts. In all subdistricts other than Residential Subdistricts, Open Space Subdistricts, and Conservation Protection Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 56-38. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
 - (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.

- (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign that incorporates a public

service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour.

- (c) Free-standing Signs. Free-standing Signs shall be permitted only for Gasoline Stations and conditional for all other uses. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of: (i) fifteen (15) square feet, if there is one use on the Lot, or (ii) thirty (30) square feet, if there are two or more uses on the Lot. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of the effective date of this Article, is forbidden in the West Roxbury Neighborhood District.
- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

SECTION 56-39. Off-Street Parking and Loading Requirements. For any Proposed Project that is subject to or has elected to comply with the provisions of Article 31, required off-street parking spaces and off-street loading facilities shall be determined through development review in accordance with the provisions of Article 31. For all other Proposed Projects, the minimum required off-street parking spaces are as set forth in Table I, and the minimum required off-street loading spaces are as set forth in Table J.

1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such open-air use shall constitute floor area.

2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.
3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. Location.
 - (a) Off-street parking and loading spaces shall not be located in any part of the Front Yards or landscaped areas required by this Article.
 - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 56-39 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; and (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.
 - (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:
- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic. Such facilities shall be Accessible to physically handicapped persons. All lighting for such facilities shall be arranged so as to shine downward and away from streets and residences.
 - (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
 - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 56-40. Application of Dimensional Requirements.

1. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the

triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.

3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 56-40. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
5. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.
6. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one half (1-1/2) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than seven (7) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.
7. Accessory Buildings in Side or Rear Yard. Accessory Buildings may be erected in a Side or Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height, or nearer than four (4) feet to any side or rear Lot line, or closer than sixty-five (65) feet to the front Lot line.

8. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
9. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
10. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than fifteen (15) feet deep.
11. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings, and parapets of such Structure, shall not extend more than five (5) feet above Grade.
12. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 56-40.12 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 56-40.12 were met.
13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, including temporary Dwellings, the

yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 56-41. Nonconformity as to Dimensional Requirements. A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 56-42. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 56-43. Severability. The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 56-44. Definitions. Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 56-45. Tables. The following tables are hereby made part of this Article:

Tables A - B Use Regulations

- A - Residential Subdistricts
 Conservation Protection Subdistricts
- B - Neighborhood Business Subdistricts
 Local Industrial Subdistricts
- C - Community Facilities Subdistricts
 Neighborhood Institutional Subdistricts

Tables D - F Dimensional Regulations

- D - Residential Subdistricts
- E - Conservation Protection Subdistricts
- F - Neighborhood Business Subdistricts
- G - Local Industrial Subdistricts

- H - Community Facilities Subdistricts
Neighborhood Institutional Subdistricts

Tables G - H Parking and Loading Regulations

- I - Off-Street Parking
- J - Off-Street Loading

**West Roxbury Neighborhood District
Use Regulations
Residential Subdistricts and Conservation Protection Subdistricts**

Key: A=Allowed, C=Conditional, F=Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

| | <u>One- Family (1F)</u> | <u>Two- Family (2F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|---|---------------------------------|---------------------------------|--|---|
| <u>Banking and Postal Uses</u> | | | | |
| Automatic teller machine | F | F | F | F |
| Bank | F | F | F | F |
| Drive-in bank | F | F | F | F |
| Post office | F | F | F | F |
| <u>Community Uses</u> | | | | |
| Adult education center | C | C | C | C |
| Community center | C | C | C | C |
| Day care center | C | C | C | C |
| Day care center, elderly | C | C | C | C |
| Library | C | A | A | C |
| Place of worship; monastery; convent; parish house | A | A | A | A |

TABLE A - Continued

| | <u>One-Family (1F)</u> | <u>Two-Family (2F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|---|----------------------------|----------------------------|--|---|
| <u>Cultural Uses</u> | | | | |
| Art gallery | F | F | F | C |
| Art use | F | F | F | C |
| Auditorium | F | F | F | C |
| Cinema | F | F | F | F |
| Concert hall | F | F | F | C |
| Museum | F | F | F | C |
| Public art, display space | F | F | F | C |
| Studios, arts | F | F | F | C |
| Studios, production | F | F | F | C |
| Theatre | F | F | F | C |
| Ticket sales | F | F | F | F |
| <u>Dormitory and Fraternity Uses</u> | | | | |
| Dormitory not accessory to a use | F | F | F | F |
| Fraternity | F | F | F | F |
| <u>Educational Uses</u> | | | | |
| College or university ⁽¹⁾ | F | F | F | C |
| Elementary or secondary school ⁽²⁾ | C | C | A | A |
| Kindergarten | C | C | A | A |
| Professional school | F | F | F | F |
| Trade school | F | F | F | F |

| <u>Entertainment and Recreational Uses</u> | <u>One-Family (1F)</u> | <u>Two-Family (2F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|--|----------------------------|----------------------------|--|---|
| Adult entertainment | F | F | F | F |
| Amusement game machines in commercial establishment | F | F | F | F |
| Amusement game machines in non-commercial establishment | F | F | F | F |
| Bar | F | F | F | F |
| Bar with live entertainment | F | F | F | F |
| Bowling alley | F | F | F | F |
| Billiard parlor | F | F | F | F |
| Dance hall | F | F | F | F |
| Drive-in theatre | F | F | F | F |
| Fitness center or gymnasium | F | F | F | F |
| Private club not serving alcohol | F | F | F | F |
| Private club serving alcohol | F | F | F | F |
| Restaurant with live entertainment, not operating after 10:30 p.m. | F | F | F | F |
| Restaurant with live entertainment, operating after 10:30 p.m. | F | F | F | F |
| <u>Funerary Uses</u> | | | | |
| Cemetery | F | F | F | A |
| Columbarium | F | F | F | A |
| Crematory | F | F | F | A |
| Funeral home | F | C | C | F |
| Mortuary chapel | C | C | C | A |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|---|--------------------|--------------------|-------------------------------------|------------------------------------|
| <u>Health Care Uses</u> | | | | |
| Clinic | F | F | F | F |
| Clinical laboratory | F | F | F | F |
| Custodial care facility | F | F | F | F |
| Group residence, general | F | F | C | F |
| Hospital ⁽¹⁾ | F | F | F | F |
| Nursing or convalescent home ⁽²⁾ | F | F | A | F |
| <u>Hotel and Conference Center Uses</u> | | | | |
| Bed and breakfast | C | C | A | F |
| Conference center | F | F | F | F |
| Executive suites | F | F | C | F |
| Hotel | F | F | F | F |
| Motel | F | F | F | F |
| <u>Industrial Uses</u> | | | | |
| Artists' mixed-use | F | F | C | F |
| Cleaning plant | F | F | F | F |
| General manufacturing use | F | F | F | F |
| Light manufacturing use | F | F | F | F |
| Printing plant | F | F | F | F |
| Restricted industrial use | F | F | F | F |

| | One-Family (1F) | Two-Family (2F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|---|--------------------|--------------------|-------------------------------------|------------------------------------|
| <u>Office Uses</u> | | | | |
| Agency or professional office | F | F | F | F |
| General office | F | F | F | F |
| Office of wholesale business | F | F | F | F |
| <u>Open Space Uses</u> | | | | |
| Golf driving range | F | F | F | C |
| Grounds for sports, private | C | C | C | C |
| Open space | A | A | A | A |
| Open space recreational building | C | C | C | A |
| Outdoor place of recreation for profit | F | F | C | C |
| Stadium | F | F | F | F |
| <u>Public Service Uses</u> | | | | |
| Automatic telephone exchange ⁽²⁾ | C | C | C | C |
| Courthouse ⁽²⁾ | F | F | F | F |
| Fire station ⁽²⁾ | C | C | A | C |
| Penal institution | F | F | F | F |
| Police station ⁽²⁾ | C | C | A | F |
| Pumping station ⁽²⁾ | F | F | F | F |
| Recycling facility (excluding toxic waste) | F | F | F | F |
| Solid waste transfer station | F | F | F | F |
| Sub-station ⁽²⁾ | F | F | F | F |
| Telephone exchange | C | C | C | C |

TABLE A - Continued

| | One-Family (1F) | Two-Family (2F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|--|--------------------|--------------------|-------------------------------------|------------------------------------|
| <u>Research and Development Uses</u> | | | | |
| Research laboratory | F | F | F | F |
| Product development or prototype manufacturing | F | F | F | F |
| <u>Residential Uses⁽³⁾</u> | | | | |
| Congregate living complex | F | F | C | C |
| Elderly housing | F | F | A | A |
| Group residence, limited | A | A | A | A |
| Lodging house | F | F | C | C |
| Mobile home | F | F | C ⁽⁸⁾ | F |
| Mobile home park | F | F | C ⁽⁸⁾ | F |
| Multi-family dwelling | F | F | A | A |
| One family detached dwelling | A | A | A | C ⁽¹⁰⁾ |
| One family semi-attached dwelling | F | A | A | A |
| Orphanage | F | C | C | C |
| Rowhouse | F | F | A | A |
| Temporary dwelling structure | C | C | C | C |
| Three family detached dwelling | F | F | A | A |
| Townhouse | F | F | A | A |
| Transitional housing or homeless shelter | F | F | C | C |
| Two family detached dwelling | F | A | A | A |
| Two family semi-attached dwelling | F | F | A | A |

| | One-Family (1F) | Two-Family (2F) | Multifamily Residential (MFR) | Conservation Protection (CP) |
|---------------------------------|--------------------|--------------------|-------------------------------------|------------------------------------|
| <u>Restaurant Uses</u> | | | | |
| Drive-in restaurant | F | F | F | F |
| Restaurant | F | F | F | F |
| Take-out restaurant | | | | |
| Small ⁽⁴⁾ | F | F | F | F |
| Large ⁽⁴⁾ | F | F | F | F |
| <u>Retail Uses</u> | | | | |
| Adult bookstore | F | F | F | F |
| Bakery | F | F | F | F |
| General retail business | F | F | F | F |
| Liquor store | F | F | F | F |
| Local retail business | F | F | F | F |
| Outdoor sale of garden supplies | F | F | F | F |
| <u>Service Uses</u> | | | | |
| Animal hospital | F | F | F | F |
| Barber or beauty shop | F | F | F | F |
| Caterer's establishment | F | F | F | F |
| Container redemption center | F | F | F | F |
| Dry-cleaning shop | F | F | F | F |
| Kennel | F | F | F | F |
| Laundry, retail service | F | F | F | F |
| Laundry, self-service | F | F | F | F |
| Photocopying establishment | F | F | F | F |

TABLE A - Continued

| <u>Service Uses (cont'd)</u> | <u>One-Family (1F)</u> | <u>Two-Family (2F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|---|------------------------|------------------------|--------------------------------------|-------------------------------------|
| Shoe repair | F | F | F | F |
| Tailor shop | F | F | F | F |
| <u>Storage Uses, Major</u> | | | | |
| Enclosed storage of solid fuel or minerals | F | F | F | F |
| Outdoor storage of solid fuel or minerals | F | F | F | F |
| Outdoor storage of new materials | F | F | F | F |
| Outdoor storage of damaged or disabled vehicles | F | F | F | F |
| Outdoor storage of junk and scrap | F | F | F | F |
| Storage of flammable liquids and gases | | | | |
| Small ⁽⁵⁾ | F | F | F | F |
| Large ⁽⁵⁾ | F | F | F | F |
| Storage or transfer of toxic waste | F | F | F | F |
| Warehousing | F | F | F | F |
| Wrecking yard | F | F | F | F |
| <u>Trade Uses</u> | | | | |
| Carpenters shop | | | | |
| Electrician's shop | F | F | F | F |
| Machine shop | F | F | F | F |

| <u>Trade Uses (cont'd)</u> | <u>One-Family (1F)</u> | <u>Two-Family (2F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|---|----------------------------|----------------------------|--|---|
| Photographer's studio | F | F | F | F |
| Plumber's shop | F | F | F | F |
| Radio/television repair | F | F | F | F |
| Upholsterer's shop | F | F | F | F |
| Welder's shop | F | F | F | F |
| <u>Transportation Uses</u> | | | | |
| Airport | F | F | F | F |
| Bus terminal | F | F | F | F |
| Garage with dispatch | F | F | F | F |
| Helicopter landing facility | F | F | F | F |
| Motor freight terminal | F | F | F | F |
| Rail freight terminal | F | F | F | F |
| Railroad passenger station | F | F | F | F |
| Water terminal | F | F | F | F |
| <u>Vehicular Uses</u> | | | | |
| Bus servicing or storage | F | F | F | F |
| Carwash | F | F | F | F |
| Gasoline station | F | F | F | F |
| Indoor sale and installation of automotive parts | F | F | F | F |
| Indoor sale of automobiles and trucks | F | F | F | F |

TABLE A - Continued

| <u>Vehicular Uses (cont'd)</u> | <u>One-Family (1F)</u> | <u>Two-Family (2F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|--|----------------------------|----------------------------|--|---|
| Outdoor sale of new and used vehicles | F | F | F | F |
| Parking garage | F | F | F | F |
| Parking lot | F | F | F | F |
| Rental agency for cars | F | F | F | F |
| Rental agency for trucks | F | F | F | F |
| Repair garage | F | F | F | F |
| Truck servicing or storage | F | F | F | F |
| <u>Wholesale Uses</u> | | | | |
| Wholesale business | F | F | F | F |
| <u>Accessory and Ancillary Uses</u> | | | | |
| In each subdistrict of the West Roxbury Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory. | | | | |
| Accessory amusement game machines (not more than four) in commercial or non-commercial establishment | F | F | F | F |
| Accessory art use ⁽⁹⁾ | A | A | A | A |
| Accessory automatic teller machine | F | F | F | C |
| Accessory bus servicing or storage | F | F | F | F |

| <u>Accessory and Ancillary Uses (cont'd)</u> | <u>One-Family (1F)</u> | <u>Two-Family (2F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|--|----------------------------|----------------------------|--|---|
| Accessory cafeteria | F | F | F | F |
| Accessory cultural uses | F | F | F | C |
| Accessory dormitory | F | F | F | C |
| Accessory drive-through restaurant | F | F | F | F |
| Accessory drive-through retail | F | F | F | F |
| Accessory family day care home | A | A | A | C |
| Accessory home occupation | A | A | A | C |
| Accessory industrial use | F | F | F | F |
| Accessory keeping of animals other than laboratory animals | F | F | F | F |
| Accessory keeping of laboratory animals | F | F | F | F |
| Accessory machine shop | F | F | F | F |
| Accessory manufacture of products | F | F | F | F |
| Accessory offices | F | F | F | C |
| Accessory outdoor cafe | F | F | F | C |
| Accessory parking | A | A | A | A |
| Accessory personnel quarters | F | F | C | C |
| Accessory printing | F | F | F | F |
| Accessory professional office in a dwelling | A | A | A | A |
| Accessory railroad storage yard | F | F | F | F |
| Accessory repair garage | F | F | F | F |
| Accessory retail | F | F | F | F |
| Accessory recycling | F | F | F | F |
| Accessory services for apartment and hotel residents | F | F | A | A |

TABLE A - Continued

| <u>Accessory and Ancillary Uses (cont'd)</u> | <u>One-Family (1F)</u> | <u>Two-Family (2F)</u> | <u>Multifamily Residential (MFR)</u> | <u>Conservation Protection (CP)</u> |
|--|----------------------------|----------------------------|--|---|
| Accessory services incidental to educational uses other than a college or university use | F | F | F | C |
| Accessory service uses | F | F | F | C |
| Accessory storage of flammable liquids and gases | | | | |
| Small ⁽⁵⁾ | F | F | C | C |
| Large ⁽⁵⁾ | F | F | F | F |
| Accessory storage or transfer of toxic waste | F | F | F | F |
| Accessory swimming pool or tennis court ⁽⁶⁾ | A | A | A | A |
| Accessory trade use | F | F | F | F |
| Accessory truck servicing or storage | F | F | F | F |
| Accessory wholesale business | F | F | F | F |
| Ancillary use ⁽⁷⁾ | C | C | C | C |

1. "College or University," "Hospital," and "Nursing or Convalescent Home" (collectively, "Institutional Uses") are defined in Article 2A to include subuses (offices, parking, etc.) that also appear as main uses in this Table A. Pursuant to the provisions of Article 2A, the subuses of an Institutional Use are regulated as part of that Institutional Use and not as a separate main use or as an accessory or ancillary use. Where any portion of a Proposed Institutional Project is for Institutional subuses that are not High Impact Subuses, each Institutional subuse shall be allowed, conditional, or forbidden as provided in this Table A for the use category (other than an Institutional use) that most closely describes such subuse.

2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
3. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
4. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
5. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
6. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
7. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which is it ancillary.
8. Except A in the Charles River Multifamily Residential Subdistrict.
9. Where designated "A," provided that art classes as part of an accessory art use are conditional in a Residential Subdistrict.
10. Except A in the West Roxbury Quarry Conservation Protection Subdistrict and the Roxbury Latin School Conservation Protection Subdistrict.

TABLE B

**West Roxbury Neighborhood District
Use Regulations**

Neighborhood Business Subdistricts and Local Industrial Subdistricts

Key: A = Allowed, C = Conditional, F = Forbidden

For definition of use categories and certain specific uses, see Article 2A.

| | <u>Neighborhood Business Subdistricts</u> | | <u>Local Industrial Subdistricts</u> |
|---|---|-----------------------------|--------------------------------------|
| | <u>Neighborhood Shopping</u> | <u>Community Commercial</u> | |
| <u>Banking and Postal Uses</u> | | | |
| Automatic teller machine | A | A | A |
| Bank | A ⁽¹⁹⁾ | A | A ⁽¹⁾ |
| Drive-in bank | C | C | A ⁽¹⁾ |
| Post office | A ⁽¹⁹⁾ | A | A |
| <u>Community Uses</u> | | | |
| Adult education center | A ⁽¹⁹⁾ | A | A |
| Community center | A ⁽¹⁹⁾ | A | A |
| Day care center | A | A | A |
| Day care center, elderly | A | A | C |
| Library | A | A | C |
| Place of worship; monastery; convent; parish house | A | A | A |
| <u>Cultural Uses</u> | | | |
| Art gallery | A | A | A |
| Art use | A | A | A |
| Auditorium | C | A | C |

| | <u>Neighborhood Business Subdistricts</u> | | <u>Local Industrial Subdistricts</u> |
|--|---|-----------------------------|--------------------------------------|
| | <u>Neighborhood Shopping</u> | <u>Community Commercial</u> | |

Cultural Uses (cont'd)

| | | | |
|---------------------------|-------------------|---|---|
| Cinema | C ⁽²⁰⁾ | A | C |
| Concert hall | C ⁽²⁰⁾ | A | C |
| Museum | A | A | C |
| Public art, display space | A | A | A |
| Studios, arts | A | A | A |
| Studios, production | C | A | A |
| Theatre | C | A | C |
| Ticket sales | A | A | C |

Dormitory and Fraternity Uses

| | | | |
|----------------------------------|---|---|---|
| Dormitory not accessory to a use | F | F | F |
| Fraternity | F | F | F |

Educational Uses

| | | | |
|---|---|---|---|
| College or university ⁽²⁾ | F | C | F |
| Elementary or secondary school ⁽³⁾ | A | C | F |
| Kindergarten | A | C | F |
| Professional school | C | A | A |
| Trade school | C | A | A |

Entertainment and Recreational Uses

| | | | |
|---|---|---|---|
| Adult entertainment | F | F | F |
| Amusement game machines in commercial establishment | C | C | C |

TABLE B - Continued

| | Neighborhood Shopping | Business Community Commercial | Local Industrial Subdistricts |
|---|--------------------------|-------------------------------------|-------------------------------------|
| <u>Entertainment and Recreational Uses (cont'd)</u> | | | |
| Amusement game machines in non-commercial establishment | C | C | C |
| Bar ⁽⁴⁾ | C | C | C |
| Bar with live entertainment ⁽⁴⁾ | C | C | C |
| Bowling alley | A ⁽¹⁹⁾ | A | C |
| Billiard parlor | A ⁽¹⁹⁾ | A | C |
| Dance hall | C | C | C |
| Drive-in theatre | F | C | F |
| Fitness center or gymnasium | A | A | A |
| Private club not serving alcohol | C | A | C |
| Private club serving alcohol | C | C | C |
| Restaurant with live entertainment, not operating after 10:30 p.m. ⁽⁴⁾ | A | A | C |
| Restaurant with live entertainment, operating after 10:30 p.m. ⁽⁴⁾ | C | C | C |
| <u>Funerary Uses</u> | | | |
| Cemetery | F | F | F |
| Columbarium | F | F | F |
| Crematory | F | F | F |
| Funeral home | A | A | F |
| Mortuary chapel | A | A | F |
| <u>Health Care Uses</u> | | | |
| Clinic | A | A | A |
| Clinical laboratory | C | C | C |

| | <u>Neighborhood Business Subdistricts</u> | | <u>Local Industrial Subdistricts</u> |
|---|---|-----------------------------|--------------------------------------|
| | <u>Neighborhood Shopping</u> | <u>Community Commercial</u> | |
| <u>Health Care Uses (cont'd)</u> | | | |
| Custodial care facility | F | C | C |
| Group care residence, general Hospital ⁽²⁾ | F | C | F |
| Nursing or convalescent home ⁽²⁾ | F | C | F |
| | C | C | F |
| <u>Hotel and Conference Center Uses</u> | | | |
| Bed and breakfast | C | A | F |
| Conference center | F | A | F |
| Executive suites | F | A | F |
| Hotel | F | A | F |
| Motel | F | C | F |
| <u>Industrial Uses</u> | | | |
| Artists' mixed-use | F | A | A |
| Cleaning plant | F | F | A |
| General manufacturing use | F | F | A |
| Light manufacturing use | F | F | A |
| Printing plant | F | F | A |
| Restricted industrial use | F | F | F |
| <u>Office Uses</u> | | | |
| Agency or professional office | A | A | A ⁽¹⁸⁾ |
| General office | A | A | A ⁽¹⁸⁾ |
| Office of wholesale business | C | A | A ⁽¹⁸⁾ |

TABLE B - Continued

| | <u>Neighborhood Neighborhood Shopping</u> | <u>Business Subdistricts Community Commercial</u> | <u>Local Industrial Subdistricts</u> |
|---|---|---|--|
| <u>Open Space Uses</u> | | | |
| Golf driving range | F | C | F |
| Grounds for sports, private | F | C | C |
| Open space | A | A | A |
| Open space recreational building | A | A | A |
| Outdoor place of recreation | | | |
| for profit | F | C | C |
| Stadium | F | C | F |
| <u>Public Service Uses</u> | | | |
| Automatic telephone exchange | | | |
| Courthouse ⁽³⁾ | C | A | A |
| Fire station ⁽³⁾ | C | C | C |
| Penal institution ⁽³⁾ | A | A | A |
| Police station ⁽³⁾ | F | C | F |
| Pumping station ⁽³⁾ | A | A | A |
| Recycling facility (excluding facilities handling toxic waste) | C | C | A |
| Solid waste transfer station | F | F | C |
| Sub-station ⁽³⁾ | F | F | C |
| Telephone exchange | C | C | A |
| <u>Research and Development Uses⁽⁵⁾</u> | | | |
| Research laboratory | | | |
| Product development or prototype manufacturing | C | C | A |
| | C | C | A |

| | <u>Neighborhood Business Subdistricts</u> | | <u>Local Industrial Subdistricts</u> |
|--|---|-----------------------------|--------------------------------------|
| | <u>Neighborhood Shopping</u> | <u>Community Commercial</u> | |
| | | | |

Residential Uses^{(6),(7)}

| | | | |
|--|---|---|---|
| Congregate living complex | A | C | F |
| Elderly housing | A | C | F |
| Group residence, limited | A | C | F |
| Lodging house | C | C | F |
| Mobile home | F | F | F |
| Mobile home park | F | F | F |
| Multi-family dwelling | A | C | F |
| One family detached dwelling | A | C | F |
| One family semi-attached dwelling | A | C | F |
| Orphanage | C | C | F |
| Rowhouse | C | C | F |
| Temporary dwelling structure | F | C | F |
| Three family detached dwelling | A | C | F |
| Townhouse | A | C | F |
| Transitional housing or homeless shelter | C | C | F |
| Two family detached dwelling | A | C | F |
| Two family semi-attached dwelling | A | C | F |

Restaurant Uses

| | | | |
|----------------------|-------------------|---|---|
| Drive-in restaurant | C ⁽²⁰⁾ | C | F |
| Restaurant | A | A | A |
| Take-out restaurant | | | |
| Small ⁽⁸⁾ | A | A | A |
| Large ⁽⁸⁾ | C | C | C |

TABLE B - Continued

| | <u>Neighborhood Business Subdistricts</u> | | <u>Local Industrial Subdistricts</u> |
|---|---|-----------------------------|--------------------------------------|
| <u>Retail Uses⁽⁹⁾</u> | <u>Neighborhood Shopping</u> | <u>Community Commercial</u> | |
| Adult bookstore | F | F | F |
| Bakery | A | A | A |
| General retail business ⁽¹⁰⁾ | A | A | C |
| Liquor store | A | A | C |
| Local retail business | A | A | A |
| Outdoor sale of garden supplies | A | A | A |
| <u>Service Uses⁽⁹⁾</u> | | | |
| Animal hospital | A | A | A |
| Barber or beauty shop | A | A | A ⁽¹⁾ |
| Caterer's establishment | A | A | A |
| Container redemption center ⁽¹¹⁾ | C | C | A |
| Dry-cleaning shop | A | A | A ⁽¹⁾ |
| Kennel | F | A | A |
| Laundry, retail service | A | A | A ⁽¹⁾ |
| Laundry, self-service | A | A | A |
| Photocopying establishment | A | A | A |
| Shoe repair | A | A | A ⁽¹⁾ |
| Tailor shop | A | A | A ⁽¹⁾ |
| <u>Storage Uses, Major</u> | | | |
| Enclosed storage of solid fuel or minerals | F | F | C |
| Outdoor storage of solid fuel or minerals | F | F | F |
| Outdoor storage of new materials | F | F | C |

| | <u>Neighborhood Business Subdistricts</u> | | <u>Local Industrial Subdistricts</u> |
|--|---|-----------------------------|--------------------------------------|
| | <u>Neighborhood Shopping</u> | <u>Community Commercial</u> | |

Storage Uses, Major (cont'd)

| | | | |
|---|---|---|---|
| Outdoor storage of damaged or disabled vehicles | F | F | F |
| Outdoor storage of junk and scrap | F | F | F |
| Storage of flammable liquids and gases | | | |
| Small ⁽¹²⁾ | C | C | A |
| Large ⁽¹²⁾ | F | F | C |
| Storage or transfer of toxic waste | F | F | F |
| Warehousing | F | F | A |
| Wrecking yard | F | F | F |

Trade Uses⁽⁹⁾

| | | | |
|-------------------------|---|---|---|
| Carpenters shop | A | A | A |
| Electrician's shop | A | A | A |
| Machine shop | A | A | A |
| Photographer's studio | A | A | A |
| Plumber's shop | A | A | A |
| Radio/television repair | A | A | A |
| Upholsterer's shop | A | A | A |
| Welder's shop | A | A | A |

Transportation Uses

| | | | |
|-----------------------------|---|---|---|
| Airport | F | F | F |
| Bus terminal | F | F | C |
| Garage with dispatch | F | F | C |
| Helicopter landing facility | F | F | F |

TABLE B - Continued

| | <u>Neighborhood Business Subdistricts</u> | | <u>Local Industrial Subdistricts</u> |
|--|---|-----------------------------|--------------------------------------|
| | <u>Neighborhood Shopping</u> | <u>Community Commercial</u> | |
| <u>Transportation Uses (Cont'd)</u> | | | |
| Motor freight terminal | F | F | C |
| Rail freight terminal | F | F | C |
| Railroad passenger station | A | A | A |
| <u>Vehicular Uses</u> | | | |
| Bus servicing or storage | F | F | C |
| Carwash ⁽¹³⁾ | F | A | F |
| Gasoline station ⁽¹³⁾ | C ⁽²⁰⁾ | C | A ⁽¹⁴⁾ |
| Indoor sale and installation of automotive parts | C ⁽²⁰⁾ | C | C |
| Indoor sale of automobiles and trucks | C ⁽²⁰⁾ | C | C |
| Outdoor sale of new and used vehicles | C ⁽²⁰⁾ | C | F |
| Parking garage | C ⁽²⁰⁾ | C | C |
| Parking lot | C | C | C |
| Rental agency for cars | C ⁽²⁰⁾ | C | C |
| Rental agency for trucks | C ⁽²⁰⁾ | C | F |
| Repair garage ⁽¹³⁾ | C | C | F |
| Truck servicing or storage | F | F | C |
| | | | C |
| <u>Wholesale Uses</u> | | | |
| Wholesale business | F | F | A |

Neighborhood Business Subdistricts
 Neighborhood Community
 Shopping Commercial

Local
 Industrial
 Subdistricts

Accessory and Ancillary Uses

In each subdistrict of the West Roxbury Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines

(not more than four) in commercial

or non-commercial establishment

Accessory art use

Accessory automatic teller machine

Accessory bus servicing or storage

Accessory cafeteria

Accessory cultural uses

Accessory dormitory

Accessory drive-through restaurant

Accessory drive-through retail

Accessory family day care home

Accessory home occupation

Accessory industrial use

Accessory keeping of animals other than
 laboratory animals

Accessory keeping of laboratory animals⁽⁵⁾

Accessory machine shop

Accessory manufacture of products

Accessory offices

Accessory offices for university

Accessory outdoor cafe⁽¹⁵⁾

Accessory parking

| | | | |
|---|---|-------------------|---|
| C | C | C | C |
| A | A | A | A |
| A | A | A | A |
| C | C | A ⁽¹⁴⁾ | A |
| A | A | A | A |
| A | A | A | A |
| F | F | F | F |
| F | C | F | F |
| F | C | F | F |
| A | A | C | C |
| A | A | A | F |
| F | F | A | A |
| | | | |
| C | A | A | C |
| C | C | C | C |
| A | A | A | A |
| C | C | A | A |
| A | A | A | A |
| F | C | F | F |
| A | A | A | A |

TABLE B - Continued

| | <u>Neighborhood Business Subdistricts</u> | | <u>Local Industrial Subdistricts</u> |
|--|---|-----------------------------|--------------------------------------|
| | <u>Neighborhood Shopping</u> | <u>Community Commercial</u> | |
| <u>Accessory and Ancillary Uses (Cont'd)</u> | | | |
| Accessory personnel quarters | C | C | C |
| Accessory printing | A | A | A |
| Accessory professional office in a dwelling | A | A | F |
| Accessory railroad storage yard | F | F | C |
| Accessory recycling | C | C | A |
| Accessory repair garage | C | C | A |
| Accessory retail | A | A | A |
| Accessory service uses | A | A | A |
| Accessory services for apartment and hotel residents | A | A | F |
| Accessory services incidental to educational uses other than college or university use | A | A | A |
| Accessory storage of flammable liquids and gases | | | |
| Small ⁽¹²⁾ | A | A | A |
| Large ⁽¹²⁾ | C | C | C |
| Accessory storage or transfer of toxic waste | F | F | C |
| Accessory swimming pool or tennis court ⁽¹⁶⁾ | A | A | A |
| Accessory trade uses | A | A | A |
| Accessory truck servicing or storage | C | C | A ⁽¹⁴⁾ |
| Accessory wholesale business | C ⁽²⁰⁾ | C | A |
| Ancillary use ⁽¹⁷⁾ | C | C | C |

1. Where designated "A," provided total gross floor area does not exceed one thousand (1,000) square feet per use; otherwise conditional.
2. "College or University," "Hospital," and "Nursing or Convalescent Home" (collectively, "Institutional Uses") are defined in Article 2A to include subuses (offices, parking, etc.) that also appear as main uses in this Table B. Pursuant to the provisions of Article 2A, the subuses of an Institutional Use are regulated as part of that Institutional Use and not as a separate main use or an accessory or ancillary use. Where any portion of a Proposed Institutional Project is for Institutional subuses that are not High Impact Subuses, each Institutional subuse shall be allowed, conditional, or forbidden as provided in this Table B for the use category (other than an Institutional use) that most closely describes such subuse.
3. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained.
4. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
5. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
6. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
7. Where designated "A," provided that such use is conditional on the first story.
8. Small: total gross floor area not more than 2,500 square feet per restaurant in a Neighborhood Business Subdistrict or 1,000 square feet per restaurant in a Local Industrial Subdistrict. Large: total gross floor area exceeding 2,500 square feet per restaurant in a Neighborhood Business Subdistrict or 1,000 square feet per restaurant in a Local Industrial Subdistrict.
9. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.

TABLE B - Continued

10. Where designated "A," provided that any Proposed Retail Business shall be conditional if it:
(a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; (c) enlarges a General Retail Business so as to increase its gross floor area by seventy-five thousand (75,000) or more square feet.
11. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, Open Space District or Subdistrict, or Conservation Protection Subdistrict.
12. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
13. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
14. Except conditional if within one hundred (100) feet of a Residential Subdistrict.
15. Except conditional in Rear Yard abutting a Residential Subdistrict.
16. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
17. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.
18. Provided that such use shall not exceed forty percent (40%) of the gross floor area allowed within a Lot.

19. Except C in Baker Street Local Convenience Subdistrict.
20. Except F in Baker Street Neighborhood Shopping Subdistrict.

TABLE C

**West Roxbury Neighborhood District
Use Regulations
Community Facilities Subdistricts and Neighborhood Institutional Subdistricts**

Key: A=Allowed, C=Conditional, F=Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

| | <u>Community Facilities Subdistricts</u> | <u>Neighborhood Institutional Subdistricts</u> |
|---|--|--|
| <u>Banking and Postal Uses</u> | | |
| Automatic teller machine | C | A |
| Bank | C | F |
| Drive-in bank | F | F |
| Post office | A | A |
| <u>Community Uses</u> | | |
| Adult education center | A | A |
| Community center | A | A |
| Day care center | A | A |
| Day care center, elderly | A | A |
| Library | A | A |
| Place of worship; monastery; convent; parish house | A | A |

TABLE C - Continued

| | Community Facilities Subdistricts | Neighborhood Institutional Subdistricts |
|---|---|---|
| <u>Entertainment and Recreational Uses</u> | | |
| Adult entertainment | F | F |
| Amusement game machines in commercial establishment | F | F |
| Amusement game machines in non-commercial establishment | F | F |
| Bar ¹⁰ | F | F |
| Bar with live entertainment ¹⁰ | F | F |
| Bowling alley | F | F |
| Billiard parlor | F | F |
| Dance hall | C | F |
| Drive-in theatre | F | F |
| Fitness center or gymnasium | C | A |
| Private club not serving alcohol | F | F |
| Private club serving alcohol | F | F |
| Restaurant with live entertainment, not operating after 10:30 p.m. ¹⁰ | F | F |
| Restaurant with live entertainment, operating after 10:30 p.m. | F | F |
| <u>Funerary Uses</u> | | |
| Cemetery | F | F |
| Columbarium | F | F |
| Crematory | F | F |
| Funeral home | F | A |
| Mortuary chapel | F | C |

Neighborhood
Institutional
Subdistricts

Community
Facilities
Subdistricts

Health Care Uses

Clinic
Clinical laboratory
Custodial care facility
Group residence, general
Hospital¹
Nursing or convalescent home¹

C
C
C
C
C
A

A
A
C
C
A²
A²

Hotel and Conference Center Uses

Bed and breakfast
Conference center
Executive suites
Hotel
Motel

F
F
F
F
F

A
F
F
F
F

Industrial Uses

Artists' mixed-use
Cleaning plant
General manufacturing use
Light manufacturing use
Printing plant
Restricted industrial use

A
F
F
F
F
F

F
F
F
F
F
F

TABLE C - Continued

| | Community Facilities <u>Subdistricts</u> | Neighborhood Institutional <u>Subdistricts</u> |
|--|--|--|
| <u>Office Uses</u> | | |
| Agency or professional office | F | F |
| General office | F | F |
| Office of wholesale business | F | F |
| <u>Open Space Uses</u> | | |
| Golf driving range | F | F |
| Grounds for sports, private | A | C |
| Open space | A | A |
| Open space recreational building | A | C |
| Outdoor place of recreation for profit | C | F |
| Stadium | F | F |
| <u>Public Service Uses</u> | | |
| Automatic telephone exchange ³ | A | C |
| Courthouse ³ | A | C |
| Fire station ³ | A | A |
| Penal institution | F | F |
| Police station ³ | A | A |
| Pumping station ³ | C | C |
| Recycling facility (excluding toxic waste) | C | F |
| Solid waste transfer station | F | F |
| Sub-station ³ | C | C |
| Telephone exchange | C | F |

Neighborhood
Institutional
Subdistricts

Community
Facilities
Subdistricts

Research and Development Uses⁴

Research laboratory
Product development or prototype manufacturing

Residential Uses⁵

Congregate living complex
Elderly housing
Group residence, limited
Lodging house
Mobile home
Mobile home park
Multi-family dwelling
One family detached dwelling
One family semi-attached dwelling
Orphanage
Rowhouse
Temporary dwelling structure
Three family detached dwelling
Townhouse
Transitional housing or homeless shelter
Two family detached dwelling
Two family semi-attached dwelling

A
F

C
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TABLE C - Continued

| | Community Facilities <u>Subdistricts</u> | Neighborhood Institutional <u>Subdistricts</u> |
|--------------------------------------|--|--|
| <u>Restaurant Uses</u> ¹¹ | | |
| Drive-in restaurant | F | F |
| Restaurant | C | F |
| Take-out restaurant | | |
| Small ⁶ | F | F |
| Large ⁶ | F | F |
| <u>Retail Uses</u> ¹² | | |
| Adult bookstore | F | F |
| Bakery | F | F |
| General retail business | F | F |
| Liquor store | F | F |
| Local retail business | F | F |
| Outdoor sale of garden supplies | F | F |
| <u>Service Uses</u> ¹² | | |
| Animal hospital | F | A ² |
| Barber or beauty shop | F | F |
| Caterer's establishment | F | F |
| Dry-cleaning shop | F | F |
| Kennel | F | F |
| Laundry, retail service | F | F |
| Laundry, self-service | F | F |
| Photocopying establishment | F | F |
| Shoe repair | F | F |
| Tailor shop | F | F |

TABLE C - Continued

| | Community Facilities Subdistricts | Neighborhood Institutional Subdistricts |
|--|---|---|
| <u>Transportation Uses (cont'd)</u> | | |
| Motor freight terminal | F | F |
| Rail freight terminal | F | F |
| Railroad passenger station | F | F |
| Water terminal | F | F |
| <u>Vehicular Uses</u> | | |
| Bus servicing or storage | F | F |
| Carwash | F | F |
| Gasoline station | F | F |
| Indoor sale and installation of automotive parts | F | F |
| Indoor sale of automobiles and trucks | F | F |
| Outdoor sale of new and used vehicles | F | F |
| Parking garage | F | F |
| Parking lot | F | F |
| Rental agency for cars | F | F |
| Rental agency for trucks | F | F |
| Repair garage | F | F |
| Truck servicing or storage | F | F |
| <u>Wholesale Uses</u> | | |
| Wholesale business | F | F |

| | |
|--|--|
| Community Facilities <u>Subdistricts</u> | Neighborhood Institutional <u>Subdistricts</u> |
|--|--|

Accessory and Ancillary Uses

In each subdistrict of the West Roxbury Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table C and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines
(not more than four) in commercial
or non-commercial establishment
Accessory art use
Accessory automatic teller machine
Accessory bus servicing or storage
Accessory cafeteria
Accessory cultural uses
Accessory dormitory
Accessory drive-through restaurant
Accessory drive-through retail
Accessory family day care home
Accessory home occupation
Accessory industrial use
Accessory keeping of animals other than
laboratory animals
Accessory keeping of laboratory animals⁴
Accessory machine shop
Accessory manufacture of products
Accessory offices
Accessory outdoor cafe
Accessory parking

| | |
|---|---|
| F | F |
| C | A |
| A | A |
| F | C |
| A | A |
| A | A |
| F | C |
| F | F |
| F | F |
| A | A |
| A | A |
| F | F |
| F | F |
| F | F |
| F | F |
| F | F |
| A | A |
| C | A |
| A | A |

TABLE C - Continued

| | Community Facilities <u>Subdistricts</u> | Neighborhood Institutional <u>Subdistricts</u> |
|--|--|--|
| <u>Accessory and Ancillary Uses (cont'd)</u> | | |
| Accessory personnel quarters | F | A |
| Accessory printing | A | A |
| Accessory professional office in a dwelling | A | A |
| Accessory railroad storage yard | F | F |
| Accessory recycling | A | F |
| Accessory repair garage | F | F |
| Accessory retail | C | F |
| Accessory service uses | A | F |
| Accessory services for apartment and hotel residents | A | C |
| Accessory services incidental to educational uses other than a college or university use | C | A |
| Accessory storage of flammable liquids and gases | | |
| Small ⁷ | A | A |
| Large ⁷ | C | C |
| Accessory storage or transfer of toxic waste | F | A |
| Accessory swimming pool or tennis court ⁸ | A | A |
| Accessory trade use | A | F |
| Accessory truck servicing or storage | F | C |
| Accessory wholesale business | F | F |
| Ancillary use ⁹ | C | C |

1. "College or University," "Hospital," and "Nursing or Convalescent Home" (collectively, "Institutional Uses") are defined in Article 2A to include subuses (offices, parking, etc.) that also appear as main uses in this Table C. Pursuant to the provisions of Article 2A, the subuses of an Institutional Use are regulated as part of that Institutional Use and not as a separate main use or as an accessory or ancillary use.

2. Where an Institutional Use is designated "A," a Proposed Institutional Project for such use is allowed, provided that such Proposed Institutional Project does not result in the addition of an aggregate gross floor area of fifty thousand (50,000) or more square feet, and provided further that such area is not a phase of another Proposed Institutional Project; otherwise conditional.
3. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
4. Provided that any such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.
6. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.
7. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
8. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate which is locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
9. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.
10. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.

TABLE C - Continued

11. Where a Restaurant Use is designated "A" or "C," it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
12. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.

TABLE D

**West Roxbury Neighborhood District
Residential Subdistricts Dimensional Regulations**

| One-Family Residential Subdistrict | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio | | Building Height ⁽²⁾ Maximum Stories | Usable Open Space ⁽³⁾ Minimum Sq. Ft. Per Dwelling Unit | | Front Yard ⁽⁴⁾ Minimum Depth (Feet) | Side Yard ⁽⁵⁾ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|--|--|--|-----------------------------------|--------------------------------------|---------------------|---------|---|--|-------|--|---|--|---|
| | | | | | Maximum | Minimum | | | | | | | |
| <u>1F-6,000⁽¹⁾</u> | | | | | | | | | | | | | |
| 1 Family Detached | 6,000 | N/A | 60 | 60 | 0.4 | | 2-1/2 | 35 | 1,800 | 20 | 10 | 30 | 25 |
| Other Use | 6,000 | N/A | 60 | 60 | 0.4 | | 2-1/2 | 35 | 1,800 | 20 | 12 | 30 | 25 |
| <u>1F-8,000⁽¹⁾</u> | | | | | | | | | | | | | |
| 1 Family Detached | 8,000 | N/A | 70 | 70 | 0.3 | | 2-1/2 | 35 | 2,000 | 25 | 12 | 40 | 25 |
| Other Use | 8,000 | N/A | 70 | 70 | 0.3 | | 2-1/2 | 35 | 2,000 | 25 | 15 | 40 | 25 |

TABLE D - Continued

| | Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ⁽²⁾ Maximum Stories | Feet | Usable Open Space ⁽³⁾ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁽⁴⁾ Minimum Depth (Feet) | Side Yard ⁽⁵⁾ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|---|--|--|--------------------------------|--------------------------------------|--------------------------------|---|------|--|--|---|--|---|
| Two-Family Residential Subdistrict | | | | | | | | | | | | |
| 2F-6,000 ⁽¹⁾ | | | | | | | | | | | | |
| 1 Family Detached or Semi-Attached or 2 Family Detached | 3,000 for 1 unit | 3,000 | 50 | 45 | 0.8 | 2-1/2 | 35 | 750 for 1 unit plus 500 for each addit'l unit | 20 | 10 | 30 | 25 |
| Other Use | 6,000 | N/A | 50 | 45 | 0.8 | 2-1/2 | 35 | 1,250 per lot | 20 | 10 | 30 | 25 |
| Multifamily Residential Subdistrict | | | | | | | | | | | | |
| MFR ⁽¹⁾ | | | | | | | | | | | | |
| 1 or 2 Family Detached Dwelling or Semi-Attached Dwelling | 3,000 per bldg. of 1 or 2 units | 3,000 per bldg. of 1 or 2 units | 50 | 50 | 1.0 | 3 | 35 | 600 for 1 unit plus 200 for each addit'l unit | 20 ⁽⁶⁾ | 10 ⁽⁶⁾ | 20 ⁽⁶⁾ | 25 |

TABLE D - Continued

| | Lot Area, Minimum for Dwell. Unit(s) | Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.) | Lot Width Minimum (Feet) | Lot Frontage Minimum (Feet) | Floor Area Ratio Maximum | Building Height ⁽²⁾ Maximum Stories | Usable Open Space ⁽³⁾ Minimum Sq. Ft. Per Dwelling Unit | Front Yard ⁽⁴⁾ Minimum Depth (Feet) | Side Yard ⁽⁵⁾ Minimum Width (Feet) | Rear Yard Minimum Depth (Feet) | Rear Yard Maximum Occupancy by Accessory Buildings (Percent) |
|---|---|--|--------------------------------|--------------------------------------|--------------------------------|---|--|--|---|--|---|
| | | | | | | | | | | | |
| Multifamily Residential Subdistrict | | | | | | | | | | | |
| MFR ⁽¹⁾ (cont'd) | | | | | | | | | | | |
| Any other Dwelling or Use | 4,000 for first 3 units | 1,000 | 50 | 50 | 1.0 | 3 | 35 | 25 ⁽⁶⁾ | 10 ⁽⁶⁾ | 20 ⁽⁶⁾ | 25 |

Footnotes

1. See Map 11A, Map 11B, Map 11C, and Section 56-6. In a 1F subdistrict, the maximum number of dwelling units allowed in a single structure shall be one (1). In a 2F subdistrict, the maximum number of dwelling units allowed in a single structure shall be two (2).
2. For the purpose of determining Building Height, the floor area of a dormer on a Dwelling shall not be included in the floor area calculation for a half story; provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of an existing Structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation for a half story. However, the floor area of such dormers shall be included in Gross Floor Area of the Dwelling.

TABLE D - Continued

3. The minimum usable open space requirement is applicable only to Residential Uses and Dormitory and Fraternity Uses.

For any lot that exceeds the minimum lot area specified in this Table D, the required number of square feet of usable open space per dwelling unit shall be calculated by adding: (a) the minimum usable open space per dwelling unit specified in this Table D, and (b) twenty-five percent (25%) of the lot area in excess of the required minimum lot area specified in this Table D for the lot.

All ground level open space used to satisfy the minimum usable open space requirements specified in this Table D must have an unobstructed length of not less than ten (10) feet and an unobstructed width of not less than ten (10) feet, except that, for yards used to meet the open space requirements of this Table D, shorter or narrower dimensions are allowed where specifically permitted by the provisions of Section 56-40 (Application of Dimensional Requirements).

In the MFR Subdistricts, up to twenty-five percent (25%) of the usable open space requirement may be met by unenclosed porches (with or without roofs) or by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings, provided that any such space on a porch, balcony, or roof has an unobstructed length of not less than six (6) feet and an unobstructed width of not less than six (6) feet.

4. See Section 56-36.1, Conformity with Existing Building Alignment. A bay window may protrude into a Front Yard.

5. Semi-attached Dwellings, Town House Buildings, and Row House Buildings are only required to have side yards on sides that are not attached to another Dwelling.

6. Special yard requirements along Charles River: Notwithstanding any contrary provision of this Table D, no part of a building or structure shall be located closer to the Charles River than the greater of: (a) forty (40) feet, measured from the top of the riverbank as defined by the Commonwealth of Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40, as amended) and regulations issued thereunder by the Commonwealth of Massachusetts and the City of Boston Conservation Commission; or (b) any setback distance required by an Order of Conditions issued by the City of Boston Conservation Commission.

West Roxbury Neighborhood District

Conservation Protection Subdistricts

Dimensional Regulations(1)

| | Conservation Protection Subdistrict |
|-----------------------------|---|
| Maximum Floor Area Ratio(2) | 0.4 |
| Maximum Building Height(2) | 35 |
| Residential Use | (2), (3) |
| Other Use | |
| Minimum Lot Size | none |
| Minimum Lot Width | none |
| Minimum Lot Frontage | none |
| Minimum Front Yard | 20 (4) |
| Minimum Side Yard | none (4) |
| Minimum Rear Yard | none (4) |

1. A Proposed Project in a Conservation Protection Subdistrict may be subject to the site plan review and approval regulations set forth in Section 56-12.
2. For the maximum Building Height, Floor Area Ratio, and number of dwelling units per acre for a Planned Development Area, see Section 56-29.

TABLE E - Continued

3. In any Conservation Protection Subdistrict of at least fifteen (15) acres, there shall be a maximum of six (6) dwelling units per acre and, in any such CPS other than the West Roxbury Quarry CPS, there shall be a minimum lot size of one (1) acre. In any Conservation Protection Subdistrict of less than fifteen (15) acres, there shall be a maximum of four and one-half (4.5) dwelling units per acre and a minimum lot size of one (1) acre.
4. Special yard requirements along Charles River: Notwithstanding any contrary provision of this Table E, no part of a building or structure shall be located closer to the Charles River than the greater of: (a) forty (40) feet, measured from the top of the riverbank as defined by the Commonwealth of Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, section 40, as amended) and regulations issued thereunder by the Commonwealth of Massachusetts and the City of Boston Conservation Commission; or (b) any setback distance required by an Order of Conditions issued by the City of Boston Conservation Commission.

West Roxbury Neighborhood District

Neighborhood Business Subdistricts Dimensional Regulations

| | <u>Neighborhood Shopping Subdistricts</u> | <u>Community Commercial Subdistricts</u> |
|--|---|--|
| Maximum Floor Area Ratio | 2.0 | 2.0 |
| Maximum Building Height | 35 | 45 |
| Minimum Lot Size | none | none |
| Minimum Lot Area Per Dwelling Unit | N/A | N/A |
| Minimum Usable Open Space (1) per Dwelling Unit (sq. ft.) | 50 | N/A |
| Minimum Lot Width | none | none |
| Minimum Lot Frontage | none | none |
| Minimum Front Yard (2) | none (3),(6) | none (3),(6) |
| Minimum Side Yard (4) | none (6) | none (6) |
| Minimum Rear Yard (5) | 40 (6) | 40 (6) |

Footnotes:

1. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
2. In a required front yard, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.
- In a Neighborhood Business Subdistrict, every front yard required by this code shall be at grade level along every lot line on which such yard abuts.
3. See Section 56-36.1, Street Wall Continuity.
4. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district, and in the case of a lot with a side lot line facing the Charles River (see footnote 6). Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
5. In a Neighborhood Business Subdistrict, every rear yard required by this code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
6. Special yard requirements along Charles River: Notwithstanding any contrary provision of this Table F, no part of a building or structure shall be located closer to the Charles River than the greater of: (a) forty (40) feet, measured from the top of the riverbank as defined by the Commonwealth of Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, section 40, as amended) and regulations issued thereunder by the Commonwealth of Massachusetts and the City of Boston Conservation Commission; or (b) any setback distance required by an Order of Conditions issued by the City of Boston Conservation Commission.

West Roxbury Neighborhood District

Local Industrial Subdistricts
Dimensional Regulations

Local
Industrial
Subdistrict

Maximum Floor Area Ratio

2.0

Maximum Building Height

35

Minimum Lot Size

none

Minimum Lot Area Per
Dwelling Unit

none

Minimum Usable Open Space
(Square Feet per Dwelling Unit)

50

Minimum Lot Width

none

Minimum Lot Frontage

none

Minimum Front Yard

none (1)

Minimum Side Yard

none (1)

Minimum Rear Yard

20 (1)

1. Special yard requirements along Charles River: Notwithstanding any contrary provision of this Table G, no part of a building or structure shall be located closer to the Charles River than the greater of: (a) forty (40) feet, measured from the top of the riverbank as defined by the Commonwealth of Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, section 40, as amended) and regulations issued thereunder by the Commonwealth of Massachusetts and the City of Boston Conservation Commission; or (b) any setback distance required by an Order of Conditions issued by the City of Boston Conservation Commission.

West Roxbury Neighborhood District

Neighborhood Institutional Subdistricts and Community Facilities Subdistricts Dimensional Regulations

| | Neighborhood Institutional Subdistrict | Community Facilities Subdistricts | | |
|--------------------------|--|-----------------------------------|-----------------------------|-------------------------|
| | | Catholic Memorial High School | West Roxbury High School | Roxbury Latin School |
| Maximum Floor Area Ratio | 1.0 | 0.5 | 1.0 | 0.5 |
| Maximum Building Height | 40 | 35 | 40 | 45(2) |
| Residential Use(1) | | | | |
| Other Use | | | | |
| Minimum Lot Size | none | none | none | none |
| Minimum Lot Width | none | none | none | none |
| Minimum Lot Frontage | none | none | none | none |
| Minimum Front Yard | 20 | 25 | 25 | 25 |
| Minimum Side Yard | 10 | 20 | 20 | 20 |
| Minimum Rear Yard | 20 | 40 | 40 | 30 |

1. For any Residential Use, as defined in Article 2A, there shall be a minimum lot size of one (1) acre and a maximum of four and one-half (4.5) dwelling units per acre.
2. Provided that, within one hundred (100) feet of any Residential Subdistrict, the maximum allowed Building Height for any building or structure shall be thirty-five (35) feet.

TABLE I

**West Roxbury Neighborhood District
Off-Street Parking Requirements**

**Proposed Projects Under 50,000 Square Feet
of Gross Floor Area (1)**

| | <u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u> |
|--------------------------------------|---|
| <u>Banking and Postal Uses</u> | 1.0 |
| <u>Community Uses</u> | 1.0 |
| <u>Educational Uses</u> | |
| Day Care Center | 0.7 |
| Elementary or Secondary School | 0.7 |
| Kindergarten | 0.7 |
| Other Educational Uses | 1.0 |
| <u>Health Care Uses</u> | 1.0 |
| <u>Industrial Uses</u> | 0.5 |
| <u>Office Uses</u> | 2.0 |
| <u>Public Service Uses</u> | |
| Police Station | 1.0 |
| Fire Station | 1.0 |
| All other Public Service Uses | 0 |
| <u>Research and Development Uses</u> | 0.5 |
| <u>Retail Uses</u> | 2.0 |
| <u>Service and Trade Uses</u> | 2.0 |

TABLE I - Continued

**West Roxbury Neighborhood District
Off-Street Parking Requirements**

**Proposed Projects Under 50,000 Square Feet
of Gross Floor Area (1)**

| | <u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u> |
|----------------------------|---|
| <u>Storage Uses, Major</u> | 0.5 |
| <u>Transportation Uses</u> | 0.25 |
| <u>Vehicular Uses</u> | 0.5 |
| <u>Wholesale Uses</u> | 0.25 |

1. For Proposed Projects of 50,000 or more square feet, see Section 56-34.

TABLE I - Continued

**West Roxbury Neighborhood District
Off-Street Parking Requirements**

**Proposed Projects Under 50,000 Square Feet
of Gross Floor Area (1)**

| | If there are seats: <u>(spaces per seat) (2)</u> | If there are no seats (spaces per 1,000 square feet of public <u>floor area in structures)</u> |
|---------------------------|---|---|
| <u>Cultural Uses</u> | 0.2 | 2.0 |
| <u>Entertainment Uses</u> | 0.3 | 4.0 |
| <u>Funerary Uses</u> | | |
| Funeral home | 0.1 | 3.0 |
| Mortuary chapel | 0.1 | 3.0 |
| All other funerary uses | none | none |
| <u>Places of Worship</u> | 0.1 | 3.0 |
| <u>Restaurant Uses</u> | | |
| Restaurant | 0.3 | 4.0 |
| Other Restaurant Uses | 0.15 | 0.5 |
| <u>Open Space Uses</u> | | |
| Stadium | 0.2 | N/A |
| Other Open Space Uses | 0.2 | 2.0 |

1. For Proposed Projects of 50,000 or more square feet, see Section 56-34.
2. Where benches are used, each two (2) lineal feet of bench shall constitute one (1) seat.

TABLE I - Continued

**West Roxbury Neighborhood District
Off-Street Parking Requirements**

**Residential and Related Uses
Proposed Projects Under 50,000 Square Feet of
Gross Floor Area (1)**

Spaces per
Dwelling Unit(2)

Dormitory/Fraternity Uses 0.5

Hotel and Conference Center Uses 0.7

Bed and Breakfast 0.7

Conference Center 0.7

Executive Suites 0.7

Hotel 0.7

Motel 1.0

Residential Uses

Elderly Housing 0.2

Group Care, Limited 0.5

Lodging House 0.5

Transitional Housing or Homeless Shelter 0.25

Other Residential Uses (3)

1-3 units 1.0

4-9 units 1.25

10+ units 1.5

1. For Proposed Projects of 50,000 or more square feet, see Section 56-34.
2. Where a use is not divided into Dwelling Units:
 - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two (2) people, each group of four (4) beds shall constitute a Dwelling Unit.
3. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement for Proposed Projects under 50,000 square feet of gross floor area shall be 0.7 parking spaces per Dwelling Unit.

TABLE J

**West Roxbury Neighborhood District
Off Street Loading Requirements**

**Proposed Projects Under 50,000 Square Feet of
Gross Floor Area (1)**

| <u>Gross Floor Area</u> | <u>Required Off-Street Loading Bays</u> |
|---------------------------|---|
| 0-15,000 square feet | 0 |
| 15,001-49,999 square feet | 1.0 |

1. For Proposed Projects of 50,000 or more square feet, see Section 56-34.

Anna R. Hiram

Mayor, City of Boston

Date:

8/23/74

The foregoing amendment was presented to the Mayor on August 23, 1994, and was signed by him on August 23, 1994, whereupon it became effective on August 23, 1994, in accordance with the provisions of Section 3 of Chapter 665 of the Acts of 1956.

Attest:

Arthur K. Goff
Secretary

Secretary

Text Amendment Application No. 242

Text Amendment No. 209

Richard B. Fowler

Chairman

Vice Chairman

~~James C. Clark~~

James C. Clark

Richard B. Fowler

Frank R. Carr

Frank R. Carr

Frank R. Carr

In Zoning Commission

Adopted August 18, 1994

Attest

Shirley Krogh

Secretary

Text Amendment Application No. 239
Boston Redevelopment Authority
New England Deaconess Hospital
Institutional District

TEXT AMENDMENT NO. 206

EFFECTIVE
FEBRUARY 16, 1994 *

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning Code as follows:

By inserting, after Article 71, the following article:

ARTICLE 72

NEW ENGLAND DEACONESS HOSPITAL
INSTITUTIONAL DISTRICT

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| | |
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| Section 72-1 | Statement of Purpose |
| 72-2 | Physical Boundaries |
| 72-3 | Applicability |
| 72-4 | Prohibition of Planned Development Areas |

USE AND DIMENSIONAL REGULATIONS

| | |
|--------------|-------------------------|
| Section 72-5 | Use Regulations |
| 72-6 | Dimensional Regulations |

* Date of public notice: January 21, 1994 (see St. 1956, c. 665, s. 5).

REGULATIONS APPLICABLE TO INSTITUTIONAL USES

- 72-7 Institutional Master Plan Requirement
- 72-8 Content of Institutional Master Plans
- 72-9 Approval of Institutional Master Plans by the Boston
Redevelopment Authority
- 72-10 Zoning Commission Approval of Institutional Master
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- 72-11 Consistency with an Institutional Master Plan
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REGULATIONS GOVERNING DEVELOPMENT REVIEW AND DESIGN REVIEW

- Section 72-13 Applicability of Article 31 Development Review
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MISCELLANEOUS PROVISIONS

- Section 72-15 Off-Street Parking and Loading
- 72-16 Nonconformity as to Dimensional Requirements
- 72-17 Regulations
- 72-18 Severability
- 72-19 Definitions
- 72-20 Tables

SECTION 72-1. Statement of Purpose. The purpose of this Article is to establish zoning regulations for the review and approval of projects for major institutional uses in the context of long-term institutional development plans within the area governed by this Article. The goal of these regulations is to provide for the well-planned development of institutions and to enhance their public service and economic development role in the surrounding neighborhoods; to encourage economic growth and the diversification of Boston's economy, with special emphasis on creating and retaining job opportunities; to preserve, enhance and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 72-2. Physical Boundaries. The provisions of this Article apply to: (1) land and structures located within the New England Deaconess Hospital Institutional District, and (2) land and structures located outside such Institutional District but described in an Institutional Master Plan approved from time to time in accordance with the provisions of this Article. The land referred to in (1) and (2) above is collectively referred to as the New England Deaconess Hospital Institutional Master Plan Area. The Institutional Master Plan Area is applicable on an overlay

basis and may include non-contiguous elements within or outside the New England Deaconess Hospital Institutional District. The boundaries of the New England Deaconess Hospital Institutional District are as shown on the map entitled "Map 1 Boston Proper" of the series of maps entitled "Zoning Districts City of Boston," as amended from time to time.

SECTION 72-3. Applicability. This Article, together with the rest of this Code, constitutes the zoning regulation for the New England Deaconess Hospital Institutional District, and together with the provisions of an applicable Institutional Master Plan, constitute the zoning regulation for the New England Deaconess Hospital Institutional Master Plan Area. The zoning regulations for such Institutional District and Institutional Master Plan Area apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated to the contrary in this Article, the provisions of this Article supersede Section 8-7, Articles 13 through 24, and Article 27M of this Code for the New England Deaconess Hospital Institutional District. Any Proposed Institutional Project that is required to be consistent with an applicable Institutional Master Plan shall be deemed to be a project for which zoning relief is required for the purposes of Articles 26, 26A, and 26B.

Proposed Projects are exempt from the provisions of this Article, and are governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

Notwithstanding any contrary provision of this Code, any Institutional Use existing within the New England Deaconess Hospital Institutional District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article shall be deemed allowed for all purposes under this Code, whether or not described in an Institutional Master Plan and without need for a determination of consistency with such an Institutional Master Plan pursuant to Section 72-11.

Any building or structure existing within the New England Deaconess Hospital Institutional District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article and:

- (i) used for an Institutional Use as of such date, or

- (ii) adequately described in an applicable Institutional Master Plan in accordance with Section 72-8(b)

shall be deemed to be in compliance, as so existing, with the dimensional, parking, and loading requirements of this Article and shall not be considered dimensionally nonconforming for the purposes of Article 9. The New England Deaconess Hospital Clinical Facility at 25 Deaconess Road, under construction prior to the date of the first notice of hearing before the Zoning Commission for the adoption of this Article, shall be deemed to be an existing building used for an Institutional Use as of such date for purposes of this Section 72-3.

SECTION 72-4. Prohibition of Planned Development Areas. No Planned Development Area shall be permitted for any Proposed Project to which the Institutional Master Plan requirement of Section 72-7 applies.

USE AND DIMENSIONAL REGULATIONS

SECTION 72-5. Use Regulations. Except as otherwise specifically provided in this Article, no land or structure within the New England Deaconess Hospital Institutional District shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the New England Deaconess Hospital Institutional District.

SECTION 72-6. Dimensional Regulations. Except as otherwise specifically provided in this Article, the dimensional requirements governing land and structures in the New England Deaconess Hospital Institutional District are as set forth in Table B of this Article.

REGULATIONS APPLICABLE TO INSTITUTIONAL USES

SECTION 72-7. Institutional Master Plan Requirement.

1. Applicability of Requirement. The Inspectional Services Department shall not issue a building, use, or occupancy permit for any Proposed Institutional Project governed by the provisions of this Article for the erection, extension, or alteration of any structure or part thereof, or the change of use of any structure or land, that is (or immediately after completion will be) used or occupied for an Institutional Use, unless such Proposed Institutional Project is:
 - (a) consistent with an Institutional Master Plan, pursuant to Section 72-11; or
 - (b) exempt from such Institutional Master Plan requirement, pursuant to Subsection 72-7.2.
2. Exempt Projects. Within the New England Deaconess Hospital Institutional District, a Proposed Institutional Project is exempt from the Institutional Master Plan requirement of this Article if it is:
 - (i) for interior alterations to an existing building, provided that such Proposed Institutional Project does not involve the establishment or expansion of a High Impact Subuse or ambulatory clinical care facility that will affect, after such establishment or expansion, an aggregate gross floor area of more than fifty thousand (50,000) square feet (which area is not a phase of another Proposed Institutional Project); or
 - (ii) for the erection or extension of an Institutional Use, provided that such Proposed Institutional Project does not affect an aggregate gross floor area of more than twenty thousand (20,000) square feet (which area is not a phase of another Proposed Institutional Project).
- (a) Applicable Regulations. A Proposed Institutional Project that is exempt from the Institutional Master Plan requirement of this Article, pursuant to this Section 72-7, and not electively described in an Institutional Master Plan, pursuant to paragraph (c) of this Subsection 72-7.2, shall be governed by the use, dimensional, and other regulations of this Code applicable to the use category, other than an Institutional Use, that most closely describes such project, except that such project shall not be subject to the maximum floor area ratio (FAR) requirement of such regulations.

- (b) Notice. If the proponent of a Proposed Institutional Project believes that such Proposed Institutional Project is exempt from the Institutional Master Plan requirement of this Article, pursuant to this Section 72-7, the proponent shall file written notice to the Inspectional Services Department and the Boston Redevelopment Authority setting forth the reasons why such project is exempt from such requirement. Such notice shall be filed at the time a building or use permit application for such Proposed Institutional Project is filed with the Inspectional Services Department.
 - (c) Election to Include Exempt Project in Institutional Master Plan. An applicant for an Institutional Master Plan approval, renewal, or amendment may elect, in its submission materials, to make any exempt project subject to the provisions of its Institutional Master Plan, in which event such Proposed Institutional Project shall be governed by the provisions of this Article, notwithstanding any contrary provision of this Section 72-7.
- 3. Exemption for Smaller Institutions. Notwithstanding any contrary provision of this Section 72-7, the provisions of this Article shall not apply to a Proposed Institutional Project if the combined gross floor area of the Proposed Institutional Project and all of the other Institutional Uses of the same Institution is less than one hundred fifty thousand (150,000) square feet; provided, however, that the Institution may elect to seek approval of an Institutional Master Plan, and as of the date of such approval, the Institutional Uses of the Institution shall be subject to the provisions of this Article.
 - 4. Special Provisions Applicable to High Impact Subuses and Ambulatory Care Facilities. Notwithstanding any contrary provision of Article 2A, the location of any Proposed Institutional Project for: (i) a High Impact Subuse; or (ii) ambulatory clinical care facilities must be consistent with that specified in an applicable Institutional Master Plan. A "High Impact Subuse" means a subuse of an Institutional Use that is identified as a High Impact Subuse in the definition of such Institutional Use set forth in Article 2A.
 - 5. Appeals. Any applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 72-7 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

SECTION 72-8. Content of Institutional Master Plans. An Institutional Master Plan shall include the elements described in this Section 72-8 to provide a basis for evaluating, for city planning purposes, the impact on the surrounding neighborhoods of

the Institution's current and future projects. The Institutional Master Plan shall project its proposed development plan at least eight (8) years into the future, commencing from the date of submission of the Institutional Master Plan, and shall include within the Plan all currently planned Proposed Institutional Projects that are not exempt under Section 72-7 and any projects that are electively included in the Institutional Master Plan. In addition, the Plan shall set out and define the longer term goals of the Institution, a minimum of ten (10) years into the future. These goals should address the broad direction to be taken by the Institution with regard to its growth and services. An Institutional Master Plan prepared pursuant to this Article shall cover the current and proposed properties, uses, and activities of the Institution within the areas of the City where preparation of an Institutional Master Plan is required. Each Institutional Master Plan shall include each of the following elements, except to the extent waived by the Boston Redevelopment Authority, as determined in the Scoping Determination described in Section 72-9.2:

(a) Mission and Objectives

A statement which defines the organizational mission and objectives of the Institution, and a description of how all development contemplated or defined by the Institutional Master Plan advances the goals and objectives of the Institution. The statement should describe the population to be served by the Institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to Boston residents in adjacent neighborhoods and in other areas of the City.

(b) Existing Property and Uses

A description of land, buildings, and other structures occupied by Institutional Uses of the Institution as of the date of submission of the Institutional Master Plan, with such information including, for each property, the following: (i) illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, and other significant improvements; (ii) land and building uses; (iii) building gross square footage; (iv) building height in stories and, approximately, in feet; (v) a description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility; and (vi) existing building linkage payments.

(c) Needs of the Institution

A summary and projection of the Institution's current and future needs for the following facilities: (i) academic; (ii) service; (iii) research; (iv) office; (v) housing; (vi) patient care; (vii) public assembly; (viii)

parking; and other facilities related to the Institutional Use. Such needs shall be defined in relationship to the Institution's goals and objectives as previously described.

(d) Proposed Future Projects

A description of any proposed future projects of the Institution within the areas of the City where preparation of an Institutional Master Plan is required (other than projects that are exempt under Section 72-7 and not electively included in the Institutional Master Plan) and their relationship to present and future needs. The required descriptions may include:

- (i) site locations and approximate building footprints;
- (ii) uses (specifying the principal subuses of each land area, building, or structure, such as classroom, laboratory, parking facility);
- (iii) square feet of gross floor area;
- (iv) square feet of gross floor area eliminated from existing buildings through demolition of existing facilities;
- (v) floor area ratios;
- (vi) building heights;
- (vii) parking areas or facilities to be provided in connection with proposed projects;
- (viii) any applicable urban renewal plans, land disposition agreements, or the like;
- (ix) current zoning of sites;
- (x) total project cost estimates;
- (xi) estimated development impact payments;
- (xii) approximate timetable for development of Proposed Institutional Projects, with the estimated month and year of construction start and construction completion for each.

(e) Institutional Transportation and Parking Management and Mitigation Plan

A description of the Institution's existing transportation and parking characteristics, a description of parking to be provided over the term of the Institutional Master Plan, a projection of impacts associated with the projects proposed in the Institutional Master Plan, and a set of transportation goals and mitigation measures to address these impacts.

(f) Pedestrian Circulation Guidelines and Objectives

A statement of guidelines and objectives for pedestrian circulation system to be provided through the campus of the Institution, including guidelines and objectives regarding the accessibility to the general public of any pedestrian areas and open spaces.

(g) Urban Design Guidelines and Objectives

A statement of urban design guidelines and objectives for new and renovated buildings to assure their compatibility with supporting neighborhoods and districts and to minimize potential adverse impacts on historic structures.

(h) Job Training Analysis

A description of the Institution's current workforce and projected future employment needs in connection with future projects and a description of current and/or proposed programs with Boston schools and other programs to train and employ students from Boston, and particularly from neighborhoods in the vicinity of the Institution, at the requisite skill levels.

(i) Community Benefits Plan

An identification of community benefits that mitigate impacts of proposed future projects or otherwise are appropriate to and enhance the surrounding communities.

(j) Additional Elements

Such additional elements as the Boston Redevelopment Authority shall determine are necessary adequately to describe and to evaluate the Institution's proposed development program.

SECTION 72-9. Approval of Institutional Master Plans by the Boston Redevelopment Authority. No Institutional Master Plan shall be approved by the Boston Redevelopment Authority, except in conformity with the provisions of this Section 72-9.

1. Institutional Master Plan Notification Form. The Institution seeking an Institutional Master Plan approval shall commence the process by filing an Institutional Master Plan Notification Form (IMPINF) in writing with the Boston Redevelopment Authority.
 - (a) Content of IMPINF. An IMPINF shall consist of those elements of an Institutional Master Plan identified in paragraphs (a) and (d) of Section 72-8, and, if the Institution is planning one or more Proposed Institutional Projects, the IMPINF also shall include summary statements of anticipated impacts of such projects in the impact areas identified in Sections 31-6 through 31-10.
 - (b) Public Notice and Comment. Within five (5) days after submission of an IMPINF to the Boston Redevelopment Authority, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the city, such notice to state the name of the Institution and to identify the area to which the Institutional Master Plan will apply, and shall make copies of the IMPINF available to the public. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within twenty (20) days of such notice.
2. Scoping Determination. Based on the Boston Redevelopment Authority's review of public comments and the IMPINF, the Boston Redevelopment Authority shall issue a written Scoping Determination setting forth in sufficient detail those elements set forth in Section 72-8 that are to be included in the Institutional Master Plan. Such Scoping Determination shall be issued no later than thirty (30) days after the Institution files an IMPINF.
3. Institutional Master Plan. The Institution shall satisfy the requirements of the Scoping Determination in the preparation of an Institutional Master Plan. Within five (5) days after submission of the Institution's Institutional Master Plan to the Boston Redevelopment Authority, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the city, such notice to state the name of the Institution and to identify the area to which the Institutional Master Plan will apply and shall make copies of the Institutional Master Plan available to the public. Public comments, including the comments of

public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within sixty (60) days of such notice.

4. Adequacy Determination. After the public hearing required by Section 72-9.7, and based on the Boston Redevelopment Authority's review of public comments and the Institutional Master Plan, the Boston Redevelopment Authority shall issue a written Adequacy Determination within ninety (90) days after the submission of said Institutional Master Plan to the Boston Redevelopment Authority.

In issuing an Adequacy Determination, the Boston Redevelopment Authority shall approve the Institutional Master Plan, conditionally approve the Institutional Master Plan, or disapprove it in whole or in part. If all or any part of the Institutional Master Plan is disapproved, specific reasons setting forth the areas in which the Institutional Master Plan is at variance with the requirements of the Scoping Determination or this Article shall be provided in the Adequacy Determination. An Adequacy Determination which, in whole or in part, conditionally approves or disapproves the Institutional Master Plan may require additional elements, information, studies, and mitigation measures, provided that such requirements are within the breadth of the Scoping Determination and the provisions of this Article.

5. Revised Institutional Master Plan. If the Boston Redevelopment Authority's Adequacy Determination disapproves the Institution's Institutional Master Plan, the Institution shall revise the Institutional Master Plan prior to resubmission. The revised and resubmitted Institutional Master Plan shall be reviewed in the manner provided in, and subject to the requirements of, subsections 3 and 4 of this Section 72-9.
6. Time Extensions for Determinations. The Boston Redevelopment Authority may, by notifying the Institution in writing, extend the time periods set out in this Section 72-9.6 for issuing a Scoping Determination and an Adequacy Determination if it finds that: (a) additional time is necessary to render a determination because of the complexity of the IMPNF or of the Institutional Master Plan; or (b) additional time is necessary for the public, including public agencies, to review and comment on the IMPNF or the Institutional Master Plan.

No more than one extension of time may be exercised in connection with the issuance of a Scoping Determination or an Adequacy Determination, and no extension of time for the issuance of a Scoping Determination or an Adequacy Determination shall exceed thirty (30) days.

7. Community Participation.

- (a) Copies of Institutional Master Plan. The Institution shall provide the Boston Redevelopment Authority with a sufficient number of copies (up to fifty (50)), as requested by the Boston Redevelopment Authority, of the IMPNF, the Institutional Master Plan, and any revised Institutional Master Plan to allow for distribution to interested parties. The Boston Redevelopment Authority shall make copies of the IMPNF, the Institutional Master Plan, and any revised Institutional Master Plan available generally to the public within five (5) days after such materials have been submitted to the Boston Redevelopment Authority.
- (b) Public Hearing. The Boston Redevelopment Authority shall hold a public hearing prior to approving an Institutional Master Plan, or an amendment or renewal thereof, except that: (i) no public hearing shall be required for a renewal or amendment that satisfies the requirements of Section 72-12.3(a) (Review of Unchanged Plans), and (ii) the Boston Redevelopment Authority may at its discretion require a public hearing for an amendment or renewal that satisfies the requirements of Section 72-12.3(b) (Expedited Review of Amendment Adding Certain Small Projects).

Prior to issuing its Scoping Determination for the review of an Institutional Master Plan or an amendment or renewal thereof, the Boston Redevelopment Authority may schedule a public consultation session to review the proposal and discuss potential impacts.

8. Standards for Institutional Master Plan Approval. An Institutional Master Plan shall be approved by the Boston Redevelopment Authority only if the Boston Redevelopment Authority finds that: (a) the Institutional Master Plan conforms to the provisions of this Article; (b) the Institutional Master Plan conforms to the general plan for the city as a whole; (c) on balance, nothing in the Institutional Master Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

9. Coordination with Other Development Review.

- (a) Article 31 Development Review. In reviewing, pursuant to Article 31, a Proposed Institutional Project that is subject to the provisions of Section 72-7 the Boston Redevelopment Authority shall:
 - (i) require in its Scoping Determination under Article 31 that the Project Impact Report address the cumulative impacts

associated with the Proposed Institutional Project when added to the Institution's existing Institutional Uses and the other Proposed Institutional Projects identified in the Institution's Master Plan; and

- (ii) limit its Scoping Determination under Article 31 to those issues not already satisfactorily examined in the context of the Institutional Master Plan; and
 - (iii) include in its Scoping Determination and review under Article 31, at the request of the Applicant, the Development Impact Project Plan required by the applicable provisions of Article 26, Article 26A, and Article 26B, and the issues raised thereby, if the Applicant has submitted such Development Impact Project Plan to the Boston Redevelopment Authority together with the Project Impact Report required by Article 31; and
 - (iv) limit any mitigation measures or project modifications required as a result of development review under Article 31 to those necessary to mitigate or address adverse impacts of the Proposed Project identified in the Article 31 development review process.
- (b) Development Impact Projects: Articles 26, 26A, and 26B. The Boston Redevelopment Authority shall review any Development Impact Project Plan required by the applicable provisions of Articles 26, 26A, and 26B for a Proposed Institutional Project (i) as part of the approval, amendment, or renewal of an applicable Institutional Master Plan pursuant to Section 72-9 or (ii) as part of the development review of such Proposed Institutional Project pursuant to Article 31, if the Applicant has submitted such Development Impact Project Plan to the Boston Redevelopment Authority together with such Institutional Master Plan or Article 31 Project Impact Report, as the case may be. Such procedure shall not limit or modify any of the substantive or procedural requirements of Articles 26, 26A, or 26B.

A Development Impact Project Plan prepared pursuant to Article 26, Article 26A, or Article 26B for a Proposed Institutional Project may incorporate by reference those portions of an applicable Institutional Master Plan that are pertinent to the requirements of Section 26-2.2, 26A-2.2, or 26B-2.2, as the case may be.

- (c) Joint Institutional Projects. A Proposed Institutional Project involving the participation of more than one Institution (and not otherwise

exempt from the Institutional Master Plan requirement of Section 72-7, pursuant to Section 72-7.2) shall be included in its entirety in the Institutional Master Plan for one of such Institutions, or the relevant part of a Proposed Institutional Project shall be included in the Institutional Master Plan for each such Institution, pursuant to this Section 72-9 (Approval of Institutional Master Plans).

(i) Projects in Single Institutional Master Plan. If a Proposed Institutional Project is included in its entirety in a single Institutional Master Plan, the Institutional Master Plan shall disclose the identity and extent of participation of each participating Institution, to the extent that such information can be ascertained at the time of approval of the Institutional Master Plan and each of its subsequent updates, amendments, and renewals.

(ii) Projects in More than One Institutional Master Plan. If a Proposed Institutional Project is included in the Institutional Master Plan for two or more Institutions, the Boston Redevelopment Authority, at the request of such Institutions, shall:

- (1) allow the submission of a combined IMPNF for such project incorporating all the information required from all such Institutions;
- (2) provide for the required Institutional Master Plan amendments to be reviewed together, to the extent feasible, at any public meetings and public hearings required pursuant to this Section 72-9; and
- (3) limit the scope of review of such Proposed Institutional Project in each Institution's Institutional Master Plan to those portions of such project that involve the participation of that Institution.

10. Appeals. An applicant aggrieved by the issuance of an Adequacy Determination by the Boston Redevelopment Authority disapproving or conditionally approving an Institutional Master Plan pursuant to this Section 72-9 or an amendment or renewal thereof pursuant to Section 72-12 may appeal to the Board of Appeal within forty-five (45) days after the issuance of such Adequacy Determination, in accordance with the provisions of Article 6.

SECTION 72-10. Zoning Commission Approval. Upon approval of the Institutional Master Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Institutional Master Plan to the Zoning Commission for its consideration.

The Institutional Master Plan entitled "New England Deaconess Hospital Institutional Master Plan, 1993-2003" dated "October 1993 (rev.)" and approved by the Boston Redevelopment Authority on January 13, 1994, shall be deemed approved hereunder as though such Institutional Master Plan had been approved pursuant to the provisions of this Article and Code.

SECTION 72-11. Consistency with an Institutional Master Plan. The Department of Inspectional Services shall not issue a building, use or occupancy permit for any Proposed Project that is subject to the provisions of Section 72-7 (and that is not exempt from such provisions by the terms thereof) for the erection, extension, or alteration of any structure or part thereof, or the change of use of any structure or land, unless the Director of the Boston Redevelopment Authority certifies that the Proposed Project is adequately described in an applicable Institutional Master Plan and is consistent with such applicable Institutional Master Plan. Such certification of consistency, or a finding of inconsistency, or a finding of consistency subject to a condition or conditions, shall be issued within sixty (60) days after the Boston Redevelopment Authority has received from the Inspectional Services Department a copy of an application for a building, use, or occupancy permit for the Proposed Project.

Prior to making a certification of consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit information and materials as necessary to evaluate whether the Proposed Institutional Project is consistent with the Institutional Master Plan. Provided that such updated materials and information do not alter or require alteration of the development program proposed in the Institutional Master Plan or of proposed mitigation measures, such updated materials and information shall not be deemed to be an amendment to the Institutional Master Plan.

An Institution aggrieved by the denial of any permit by the Department of Inspectional Services pursuant to this Section 72-11 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

Any use or structure that is adequately described in an Institutional Master Plan and is consistent with such Institutional Master Plan, as certified in accordance with this Section 72-11, and that has satisfied any applicable requirements of Article 31, shall be deemed to be in compliance with the use, dimensional, parking and loading requirements of this Article, notwithstanding any provision of the underlying zoning to the contrary and without the requirement of further zoning relief.

SECTION 72-12. Update, Renewal, and Amendment of Institutional Master Plans.

1. Annual Update. An approved Institutional Master Plan shall be updated annually, on or before the anniversary of the approval date of the Institutional Master Plan.

To update its Institutional Master Plan, an Institution shall file with the Boston Redevelopment Authority a description of all projects that: (a) have been completed since the most recent annual update or Institutional Master Plan approval or renewal date, (b) are ongoing, including a description of the status and estimated timetables for completion of such projects, or (c) are scheduled to begin in the upcoming twelve (12) months, including estimated timetables for the commencement, progress, and completion of such projects. Such descriptions shall include any other information necessary to clarify the information required by items (a), (b), or (c) of this Section 72-12.1.

The annual update of an Institutional Master Plan shall not constitute an amendment or renewal of such Institutional Master Plan, and the description of a project in such annual update shall not serve to add any such project to any applicable Institutional Master Plan without an amendment of such Institutional Master Plan pursuant to Section 72-12.3.

Failure to update an Institutional Master Plan shall not affect the status under the Institutional Master Plan of then existing uses or structures, or of building, use, or occupancy permits already issued.

2. Time for Renewal or Amendment. An approved Institutional Master Plan may be renewed or amended at any time.

If an Institution fails to file an IMPNF seeking renewal of an Institutional Master Plan on or before the eighth (8th) anniversary of the date of the later of (a) the Zoning Commission's approval of the original Institutional Master Plan, or (b) the most recent renewal thereof by the Zoning Commission (or by the Boston Redevelopment Authority, if no Zoning Commission review was required), or if, having made such filing, the Institution thereafter fails diligently to make the necessary filings and otherwise fulfill the requirements for renewal set forth in this Section 72-12, as determined by the Director of the Boston Redevelopment Authority, then the Director shall not issue any certificate of consistency, as described in Section 72-11, with respect to a Proposed Institutional Project of such Institution until such failure is remedied. Failure to file an IMPNF seeking renewal of an Institutional Master Plan prior to the expiration of such eight (8)- year period shall not affect the status under the Institutional Master

Plan of then existing uses or structures or of building, use, or occupancy permits already issued as of such expiration.

Except as otherwise specified in this Section 72-12, the new approval date for the Institutional Master Plan shall be the date of the Zoning Commission's approval of such renewal or amendment.

3. Procedure for Renewal or Amendment. The procedure for renewing or amending an Institutional Master Plan shall be identical to that for the initial approval of an Institutional Master Plan, except as set forth in subsections (a) through (c) of this Section 72-12.3.

An Institution may make a combined renewal and amendment submission to the Boston Redevelopment Authority, in which event the scope of such submission shall include the entire area described in the Institutional Master Plan Area, and the provisions of subsection (c) of Section 72-12.3 (Limited Scope of Review for Certain Master Plan Amendments) shall not apply.

- (a) Review of Unchanged Plans. If, upon review of the IMPNF submitted in connection with the renewal or amendment of an Institutional Master Plan, the Boston Redevelopment Authority determines that no new Proposed Institutional Projects are planned, that no changes in the Institutional Master Plan are proposed that would constitute a change in the use, dimensional, parking, or loading elements of the Institutional Master Plan (other than de minimus dimensional changes), and that no significantly greater impacts would result from continued implementation of the Institutional Master Plan than were originally projected, then the Boston Redevelopment Authority shall waive further review of the renewal or amendment application and approve the IMPNF and original Institutional Master Plan together as the renewed or amended Institutional Master Plan.

A renewal or amendment pursuant to this subsection (a) that does not add additional land to the Institutional Master Plan shall not require further approval by the Zoning Commission, and the date of the Boston Redevelopment Authority's approval of such renewal or amendment shall constitute the new approval date for such Institutional Master Plan.

- (b) Expedited Review of Amendment Adding Certain Small Projects. The Boston Redevelopment Authority, at the request of the Institution, shall waive the requirements of an IMPNF and Scoping Determination for approval of an amendment to an Institutional Master Plan, where the only change in the Institutional Master Plan provided for in the

proposed amendment is the inclusion of one or more additional Proposed Projects that are not subject to the Development Review requirements of Article 31, pursuant to Section 72-13, and that satisfy all the requirements of subsection (1) or (2) below, as applicable:

- (1) the Proposed Project is exempt from the Institutional Master Plan requirements of Section 72-7, and the Institution elects to make such Proposed Project subject to the provisions of its Institutional Master Plan pursuant to Section 72-7; or
- (2) the Proposed Project is not exempt from the Institutional Master Plan requirements of Section 72-7, and the Proposed Project meets all of the following requirements:
 - (i) the Proposed Project is located within an Institutional District or Subdistrict or, if the Proposed Project is for an Institutional Use (a "Proposed Institutional Project") and is located outside an Institutional District or Subdistrict, the use category, other than an Institutional Use, that most closely describes such Proposed Institutional Project is identified on the table of uses for that Institutional District or Subdistrict as an allowed use; and
 - (ii) if the Proposed Project is a Proposed Institutional Project and is located outside an Institutional District or Subdistrict, its dimensions and parking and loading spaces meet all the requirements applicable to the use category, other than Institutional Use, that most clearly describes the Proposed Institutional Project; and
 - (iii) for an Institutional Use, such Proposed Institutional Project is not for one or more of the High Impact Subuses identified in the definition of such use in Article 2A or for ambulatory clinical care facilities.

Notwithstanding any provisions to the contrary in Section 72-9.4, the Boston Redevelopment Authority shall issue its written Adequacy Determination under Section 72-9.4 concerning a proposed amendment to an Institutional Master Plan under this Section 72-12.3(b) within sixty (60) days after the submission of the proposed amendment to the Boston Redevelopment Authority, and public comments concerning such proposed amendment, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days after the

Boston Redevelopment Authority has published notice of such submission as required by Section 72-9.3.

Nothing in this subsection (b) shall affect the requirements set forth in Section 72-9.7 for full community participation in the Boston Redevelopment Authority's review of an amendment to an Institutional Master Plan, including the provisions for conducting a public hearing.

An amendment pursuant to this subsection (b) that does not add additional land to the Institutional Master Plan shall not require further approval by the Zoning Commission, and the date of the Boston Redevelopment Authority's approval of such amendment shall constitute the new approval date for such Institutional Master Plan.

- (c) Limited Scope of Review for Certain Master Plan Amendments. If a proposed amendment is limited to the addition to the Institutional Master Plan of one or more Proposed Institutional Projects and does not involve renewal of the Institutional Master Plan, review by the Boston Redevelopment Authority shall be limited to such Proposed Institutional Project(s), taking into consideration the cumulative impacts of such Proposed Institutional Project(s) together with existing uses and other Proposed Projects described in an Institutional Master Plan.

Nothing in this subsection (c) shall affect the requirements set forth in Section 72-9.7 for full community participation in the Boston Redevelopment Authority's review of an amendment to an Institutional Master Plan, including the provisions for conducting a public hearing.

REGULATIONS GOVERNING DEVELOPMENT REVIEW AND DESIGN REVIEW

SECTION 72-13. **Applicability of Article 31 Development Review.**

1. Large Projects. Notwithstanding any provision of Section 31-4 to the contrary, the provisions of Article 31 (Development Review Requirements), other than Section 31-3, shall be applicable, except where otherwise specified in this Article, to any Proposed Project to: (a) erect a Building or Structure having a gross floor area of fifty thousand (50,000) or more square feet; or (b) enlarge a Building or Structure so as to increase its gross floor area by fifty thousand (50,000) or more square feet; or (c) establish or change the uses of a gross floor area of one hundred thousand (100,000) or more square feet; or (d) establish or change to conditional or forbidden uses the uses of a gross floor area of fifty thousand (50,000) or more square feet, or, in the case of a Proposed Institutional Project, to establish or change to a High Impact Subuse or ambulatory clinical care facility the subuses of a gross floor area of fifty thousand (50,000) or more square feet.
2. Certain Institutional Projects for New Construction. If a Proposed Institutional Project not otherwise subject to the provisions of Article 31, pursuant to Section 72-13.1: involves the erection or extension of a Building or Structure that results in the addition of a gross floor area of twenty thousand (20,000) or more square feet devoted to out-patient or in-patient care, such Proposed Institutional Project shall comply with the Transportation Access Plan requirements of Section 31-6.

The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project subject to the provisions of this Section 72-13 unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with the applicable provisions of Article 31. Proposed Projects may proceed through the provisions of Article 31 separately or in joint filings, provided the Boston Redevelopment Authority has received adequate information on all such Proposed Projects.

SECTION 72-14. **Design Review.**

1. Applicability of Design Review. The provisions of this Section 72-14 shall apply only to those Proposed Projects specified in this Section 72-14 that are not subject to Article 31 development review pursuant to Section 72-13 or by election.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority:

- (a) Projects Visible from a Public Street or Public Park. Any Proposed Project for the erection or extension of one or more Buildings or Structures, if such Proposed Project is visible from a public street or public park; and
- (b) Projects Adding 20,000 Square Feet of Floor Area. Any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate gross floor area of twenty thousand (20,000) or more square feet.

The provisions of this Section 72-14 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project that is subject to the provisions of this Section 72-14 unless the Director of the Boston Redevelopment Authority certifies that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

- 2. Procedure for Design Approval. Each application for a permit for a Proposed Project that is subject to design review by the Boston Redevelopment Authority pursuant to this Section 72-14 shall include a Design Review Application, containing the information required by Section 72-14.3, and shall be filed in duplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copy to the Boston Redevelopment Authority. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the applicable design guidelines, as specified in Section 72-14.4, or is not consistent with those guidelines; provided that if no such findings are transmitted to the Inspectional Services Department within thirty (30) days of the receipt by the Boston Redevelopment Authority of the completed Design Review Application for the Proposed Project, the Proposed Project shall be deemed to be consistent with the applicable design guidelines without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 72-14 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.
- 3. Content of Design Review Application. A Design Review Application shall consist of such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project is consistent with the applicable design guidelines. Such materials shall set

forth, for the existing conditions and for the Proposed Project: vehicular access and egress to and from the site; location and dimensions of all buildings, structures, and parking and loading areas; relationships of primary buildings to secondary buildings; landscaping and screening; roof shapes, cornice lines, and roof structures; facade articulation, fenestration, and other architectural features; and proposed sign locations.

4. Design Guidelines. The Boston Redevelopment Authority shall review each Proposed Project that is subject to design review under this Section 72-14 for consistency with any design guidelines adopted by the Zoning Commission or the Boston Redevelopment Authority for the area in which the Proposed Project is located.

MISCELLANEOUS PROVISIONS

SECTION 72-15. Off-Street Parking and Loading. Within the New England Deaconess Hospital Institutional District, no off-street parking or loading facilities are required. For any Proposed Project that is subject to the Institutional Master Plan requirement of Section 72-7, zoning relief for the provision of off-street parking and loading facilities may be granted through the approval of such parking and loading facilities in an applicable Institutional Master Plan, notwithstanding any contrary provision of Section 3-1A.c. For any Proposed Project that also is subject to Article 31 development review, pursuant to Section 72-13 or by election, the approval of parking and loading requirements or specifications in an applicable Institutional Master Plan shall not preclude the establishment of restrictions on the number of parking spaces or the establishment of additional specifications for the design and location of parking and loading facilities through the Article 31 development review process.

All off-street parking or loading facilities provided for any Proposed Project that is not subject to Article 31 development review shall meet the following specifications:

1. Design.
 - (a) Such facilities shall have adequate maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.
 - (b) Such facilities, whether open or enclosed in a Structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any Street or another Lot.
 - (c) Off-street parking facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) Each car space and loading bay shall be located entirely on the Lot.
2. Maintenance. Such facilities shall be maintained exclusively for the parking of motor vehicles, or for loading and unloading purposes, as the case may be, so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 72-16. Nonconformity as to Dimensional Requirements. A Building or Structure existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article

may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 72-17. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 72-18. **Severability.** The provisions and requirements of this Article are severable, and if any such requirements or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this Article.

SECTION 72-19. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 72-20. **Tables.** The following tables are hereby made part of this Article:

Table A - Use Regulations

Table B - Dimensional Regulations

TABLE A

New England Deaconess Hospital Institutional District Use Regulations

Key: A = Allowed, C = Conditional, F = Forbidden
 For definitions of use categories and certain specific uses, see Article 2A.
 For requirements applicable to Institutional Uses, see Note 1.

Banking and Postal Uses

| | |
|--------------------------|---|
| Automatic teller machine | A |
| Bank | A |
| Drive-in bank | C |
| Post office | A |

Community Uses

| | |
|---|---|
| Adult education center | A |
| Community center | A |
| Day care center | A |
| Day care center, elderly | A |
| Library | A |
| Place of worship; monastery; convent; parish house | A |

Cultural Uses

| | |
|-------------|---|
| Art gallery | A |
| Art use | A |
| Auditorium | C |
| Cinema | C |

Cultural Uses (cont'd)

| | |
|---------------------------|---|
| Concert hall | A |
| Museum | A |
| Public art, display space | A |
| Studios, arts | A |
| Studios, production | A |
| Theatre | A |
| Ticket sales | A |

Dormitory and Fraternity Uses

| | |
|----------------------------------|---|
| Dormitory not accessory to a use | C |
| Fraternity | C |

Educational Uses

| | |
|---|---|
| College or university ¹ | A |
| Elementary or secondary school ² | A |
| Kindergarten | A |
| Professional school | A |
| Trade school | A |

Entertainment and Recreational Uses

| | |
|--|---|
| Adult entertainment | F |
| Amusement game machines in commercial establishment | F |
| Amusement game machines in noncommercial establishment | C |
| Bar ³ | C |
| Bar with live entertainment ³ | F |
| Bowling alley | F |

TABLE A - Continued

Entertainment and Recreational Uses (cont'd)

| | |
|--|---|
| Billiard parlor | F |
| Dance hall | F |
| Drive-in theatre | F |
| Fitness center or gymnasium | A |
| Private club not serving alcohol | C |
| Private club serving alcohol | C |
| Restaurant with live entertainment, not operating after 10:30 p.m. ³ | C |
| Restaurant with live entertainment, operating after 10:30 p.m. ³ | F |

Funerary Uses

| | |
|-----------------|---|
| Cemetery | F |
| Columbarium | F |
| Crematory | F |
| Funeral home | C |
| Mortuary chapel | A |

Health Care Uses

| | |
|---|---|
| Clinic | A |
| Clinical laboratory | A |
| Custodial care facility | C |
| Group care residence, general | C |
| Hospital ¹ | A |
| Nursing or convalescent home ¹ | A |

Hotel and Conference Center Uses

| | |
|-------------------|---|
| Bed and breakfast | C |
| Conference center | C |
| Executive suites | C |
| Hotel | C |
| Motel | C |

Industrial Uses

| | |
|---------------------------|---|
| Artists' mixed-use | F |
| Cleaning plant | F |
| General manufacturing use | F |
| Light manufacturing use | C |
| Printing plant | F |
| Restricted industrial use | F |

Office Uses

| | |
|-------------------------------|---|
| Agency or professional office | A |
| General office | A |
| Office of wholesale business | A |

Open Space Uses

| | |
|--|---|
| Golf driving range | F |
| Grounds for sports, private | A |
| Open space | A |
| Open space recreational building | A |
| Outdoor place of recreation for profit | F |
| Stadium | F |

TABLE A - Continued

| <u>Public Service Uses</u> | |
|--|---|
| Automatic telephone exchange | A |
| Courthouse ² | F |
| Fire station ² | A |
| Penal institution ² | F |
| Police station ² | A |
| Pumping station ² | C |
| Recycling facility (excluding facilities handling toxic waste) | F |
| Solid waste transfer station | F |
| Substation ² | C |
| Telephone exchange | C |
| <u>Research and Development Uses⁴</u> | |
| Research laboratory | A |
| Product development; prototype manufacturing | A |
| <u>Residential Uses</u> | |
| Congregate living complex | C |
| Elderly housing | C |
| Group residence, limited | A |
| Lodging house | A |
| Mobile home | F |
| Mobile home park | F |
| Multifamily dwelling | A |
| One family detached dwelling | C |
| One family semi-attached dwelling | C |
| Orphanage | A |

| | |
|--|---|
| <u>Residential Uses (cont'd)</u> | |
| Rowhouse | A |
| Temporary dwelling structure | C |
| Three-family detached dwelling | A |
| Townhouse | A |
| Transitional housing or homeless shelter | A |
| Two-family detached dwelling | A |
| Two-family semi-attached dwelling | A |
| <u>Restaurant Uses</u> | |
| Drive-in restaurant | F |
| Restaurant | A |
| Take-out restaurant | A |
| Small ⁵ | C |
| Large ⁶ | |
| <u>Retail Uses⁷</u> | |
| Adult bookstore | F |
| Bakery | A |
| General retail business | A |
| Liquor store | A |
| Local retail business | A |
| Outdoor sale of garden supplies | F |
| <u>Service Uses⁷</u> | |
| Animal hospital | C |
| Barber or beauty shop | A |
| Caterer's establishment | A |

TABLE A - Continued

| <u>Service Uses⁷ (cont'd)</u> | |
|--|---|
| Container redemption center | C |
| Dry-cleaning shop | A |
| Kennel | F |
| Laundry, retail service | A |
| Laundry, self-service | A |
| Photocopying establishment | A |
| Shoe repair | A |
| Tailor shop | A |
| <u>Storage Uses, Major</u> | |
| Enclosed storage of solid fuel or minerals | F |
| Outdoor storage of solid fuel or minerals | F |
| Outdoor storage of new materials | F |
| Outdoor storage of damaged or disabled vehicles | F |
| Outdoor storage of junk and scrap | F |
| Storage of flammable liquids and gases | |
| Small ⁸ | A |
| Large ⁸ | C |
| Storage or transfer of toxic waste | C |
| Warehousing | C |
| Wrecking yard | F |
| <u>Trade Uses⁷</u> | |
| Carpenters shop | A |
| Electrician's shop | A |

Trade Uses⁷ (cont'd)

| | |
|-------------------------|---|
| Machine shop | A |
| Photographer's studio | A |
| Plumber's shop | A |
| Radio/television repair | A |
| Upholsterer's shop | A |
| Welder's shop | A |

Transportation Uses

| | |
|-----------------------------|---|
| Airport | F |
| Bus terminal | C |
| Garage with dispatch | F |
| Helicopter landing facility | C |
| Motor freight terminal | F |
| Rail freight terminal | F |
| Railroad passenger station | F |

Vehicular Uses

| | |
|--|---|
| Bus servicing or storage | F |
| Carwash ⁹ | F |
| Gasoline station ⁹ | F |
| Indoor sale and installation of automotive parts | F |
| Indoor sale of automobiles and trucks | F |
| Outdoor sale of new and used vehicles | F |
| Parking garage | C |
| Parking lot | C |

TABLE A - Continued

Vehicular Uses (cont'd)

| | |
|----------------------------|---|
| Rental agency for cars | F |
| Rental agency for trucks | F |
| Repair garage | F |
| Truck servicing or storage | F |

Wholesale Uses

| | |
|--------------------|---|
| Wholesale business | F |
|--------------------|---|

Accessory and Ancillary Uses

In the New England Deaconess Hospital Institutional District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

| | |
|---|---|
| Accessory amusement game machines (not more than four) in commercial or noncommercial establishment | C |
| Accessory art use | A |
| Accessory automatic teller machine | A |
| Accessory bus servicing or storage | A |
| Accessory cafeteria | A |
| Accessory cultural uses | A |
| Accessory dormitory | C |
| Accessory drive-through restaurant | F |
| Accessory drive-through retail | F |
| Accessory family day care home | A |
| Accessory home occupation | A |

Accessory and Ancillary Uses (cont'd)

| | |
|--|-----------------|
| Accessory industrial use | C |
| Accessory keeping of laboratory animals ⁴ | A |
| Accessory keeping of animals, other than laboratory animals | F |
| Accessory machine shop | A |
| Accessory manufacture of products | C |
| Accessory offices | A |
| Accessory outdoor cafe | A |
| Accessory parking | C ¹⁰ |
| Accessory personnel quarters | A |
| Accessory printing | A |
| Accessory professional office | |
| in a dwelling | A |
| Accessory railroad storage yard | F |
| Accessory recycling | A |
| Accessory repair garage | A |
| Accessory retail | A |
| Accessory services for apartment and hotel residents | A |
| Accessory services incidental to educational uses other than college or university use | A |
| Accessory service uses | A |
| Accessory storage of flammable liquids and gases | |
| Small ⁸ | A |
| Large ⁸ | A |
| Accessory storage or transfer of toxic waste | A |
| Accessory swimming pool or tennis court ¹¹ | A |

TABLE A - Continued

Accessory and Ancillary Uses (cont'd)

| | |
|--------------------------------------|---|
| Accessory trade uses | A |
| Accessory truck servicing or storage | A |
| Accessory wholesale business | A |
| Ancillary use ¹² | C |

1. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table A. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use and not as an accessory or ancillary use subject to Article 10 or as an independent use.

See Sections 72-3, 72-5, 72-7, and 72-11 concerning the applicability of the use regulations of this Table A to Institutional Uses. All Institutional Uses, as defined in Article 2A, are subject to the Institutional Master Plan requirements of Sections 72-7 through 72-12, unless specifically exempted therefrom under the provisions of Section 72-7.

Except for High Impact Subuses, and except for ambulatory clinical care facilities that are not otherwise exempt from the provisions of this Article 72 pursuant to Section 72-7, or that are exempt from such requirements pursuant to Section 72-7 but are electively described in an Institutional Master Plan, the substitution of one Institutional subuse for another Institutional subuse shall not be treated as a change of use, and no determination of consistency with an Institutional Master Plan pursuant to Section 72-11 shall be required for such substitution. (The "High Impact Subuses" of an Institutional Use are identified in the definition of such Institutional Use set forth in Article 2A.)

2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.

TABLE A - Continued

3. Provided that, where such use exists on the effective date of this Article and is designated "F," any expansion of seating or standing capacity of such use is forbidden, notwithstanding any contrary provision of Article 9.
4. Provided that such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Total gross floor area not more than 1,000 square feet per restaurant.
6. Total gross floor area exceeding 1,000 square feet per restaurant.
7. If a Retail, Service, or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m. and such establishment has direct public access to a public way or sidewalk.
8. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
9. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
10. Except allowed if accessory to a residential use, dormitory or fraternity use, or hotel or conference center use (all as defined in Article 2A, and including any dwelling converted for more families in separate dwelling units).
11. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
12. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

TABLE B

**New England Deaconess Hospital Institutional District
Dimensional Regulations(1)**

| | |
|--------------------------|----------|
| Maximum Floor Area Ratio | 4.0 |
| Maximum Building Height | 155 feet |
| Other Use | |
| Minimum Lot Size | none |
| Minimum Lot Width | none |
| Minimum Lot Frontage | none |
| Minimum Front Yard | none |
| Minimum Side Yard | none |
| Minimum Rear Yard | none |

1. See Sections 72-3, 72-6, 72-7, and 72-11 concerning the applicability of the dimensional regulations of this Table B to Institutional Uses. No building, use, or occupancy permit may be issued for an Institutional Use except in accordance with the provisions of Sections 72-7 through 72-12, regarding Institutional Master Plans, unless such Institutional Use is specifically exempted from the provisions of Sections 72-7 through 72-12 pursuant to Section 72-7. This Table B sets forth the underlying zoning dimensions for the New England Deaconess Hospital Institutional District. Notwithstanding any contrary provision of this Table B, the dimensional requirements for any Proposed Institutional Project that is subject to the provisions of Sections 72-7 through 72-12, and not exempt therefrom by the provisions of Section 72-7, shall be determined by the provisions of the applicable Institutional Master Plan. Any Proposed Institutional Project that is determined to be consistent with an applicable Institutional Master Plan, pursuant to Section 72-11, shall be deemed to be in compliance with the dimensional requirements of this Article 72.

Text Amendment Application No. 239

Text Amendment No. 206

Richard B. Fowler

Chairman

J. H. New

Vice Chairman

James M. McGraw

John Bear

Robert Jordan

Edward Lawrence Jr.

James J. Luce

William L. L. L. L.

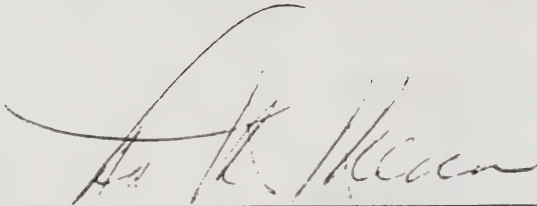
In Zoning Commission

Adopted February 10, 1994

Attest:

Shela Keogh

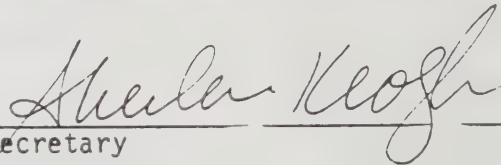
Secretary



Mayor, City of Boston

Date: 2-16-94

The foregoing amendment was presented to the Mayor on February 11, 1994, and was signed by him on February 16, 1994, whereupon it became effective on February 16, 1994, in accordance with Section of Chapter 665 of the Acts of 1956.

Attest: 
Secretary

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